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भारत का राजपत्र
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सं. 25] नई दिल्ली, जून 13—जून 19, 2004, शनिवार/ज्येष्ठ 23—ज्येष्ठ 29, 1926
No. 25] NEW DELHI, JUNE 13—JUNE 19, 2004, SATURDAY/JYAISTHA 23—JYAISTHA 29, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 8 जून, 2004

का० आ० 1390.—केन्द्रीय सरकार दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तमिलनाडु उच्च न्यायालय में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसेल श्री एन. चंद्रशेखरन, अधिवक्ता, चेन्नई को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजनों, अपीलों, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए तमिलनाडु उच्च न्यायालय, चेन्नई में विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं० 225/12/2004-डी० एस० पी०ई०]

भास्कर खुल्बे, निदेशक

CABINET SECRETARIAT

New Delhi, the 8th June, 2004

S.O. 1390.—In exercise of the powers conferred by the provisions of Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Central Government hereby appoints Shri N. Chandrasekharan, Advocate, Chennai and Retainer Counsel of the Central Bureau of Investigation in the Tamil Nadu High Court, as Special Public Prosecutor for conducting the prosecutions, appeals, revision or other matters arising out of the cases investigated by the Delhi Special Police Establishment in the Tamil Nadu High Court at Chennai.

[No. 225/12/2004-DSPE]

BHASKAR KHULBE, Director

नई दिल्ली, 8 जून, 2004

का. आ. 1391.—धारा 24 उपधारा (8) दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री दयान कृष्णन, अधिवक्ता को विशिष्ट पुलिस स्थापना द्वारा कायम किये गये केस आर. सी.6/1991/एस.आई. यू.-IX/नई दिल्ली(ओ. पी. शर्मा ट्रेप केस) का ट्रायल विशिष्ट न्यायाधीश, दिल्ली के न्यायालय में तथा इस संबंध से संबंधित सभी मामलों जैसे अपील व रिवीजन हेतु विधि द्वारास्थापित अपीलीय न्यायालय में संचालन करने हेतु एतद्द्वारा विशेष लोक अभियोजक नियुक्त करती है।

[सं० 225/14/2004-डी० एस० पी०ई०]

भास्कर खुल्बे, निदेशक

New Delhi, the 8th June, 2004

S.O. 1391.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Dayan Krishan, Advocate, as Special Public Prosecutor for the conduct of cases R. C.-6/91/SIU-XI/CBI/ New Delhi (O.P.Sharma Trap Case) instituted by the Delhi Special Establishment in the Court of Special Judge Delhi and appeals, revision or other matters arising out of this case in revisional or appellate Courts, establisbed by law.

[No. 225/14/2004-DSPE]

BHASKAR KHULBE, Director

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 जून, 2004

का. आ. 1392.—केन्द्र सरकार, "सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन निषेध और व्यापार एवं वाणिज्य, उत्पादन, आपूर्ति और वितरण विनियमन) अधिनियम, 2003" की धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे दी गई तालिका के कॉलम 3 में दर्शाए गए अधिकारी को कार्मिक और प्रशिक्षण विभाग के संबंध में एतद्द्वारा प्राधिकृत करती हैं, उक्त अधिकारी उपर्युक्त अधिनियम की धारा 4 के अंतर्गत कार्य करने के लिए सक्षम अधिकारी होगा :

क्र. सं.	कार्यालय का नाम	प्राधिकृत व्यक्ति
(1)	(2)	(3)
1.	कार्मिक और प्रशिक्षण विभाग और पेंशन तथा पेंशनभोगी कल्याण विभाग	उपसचिव (समन्वय)

यह अधिसूचना तत्काल प्रभाव से लागू होगी।

[फा. सं. आई.-25017/1/2004-प्रशासन-III]

वी. के. वेलुकुट्टी, अवर सचिव

MINISTRY OF PERSONNEL, PG & PENSIONS

(Department of Personnel & Training)

New Delhi, the 10th June, 2004

S.O. 1392.—In exercise of the powers conferred by Section 25 of "The Cigarettes and other Tobacca products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003", the Central Government in the Department of Personnel & Training hereby Authorizes the officers indicated in Column 3 of the Toble given below who shall be competent to act under Section 4 of the said Act;

S.No.	Office	Authorised Person
(1)	(2)	(3)
1.	Department of Personnel & Training and Department of Pensions & Pensioner's Welfare	Deputy Secretary (Coord.)

This notification shall come into force with immediate effect.

[F. No. I-25017/1/2004-Ad. III]

V.K. VELUKUTTY, Under Secy.

कार्यालय आयुक्त : केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क

रायपुर, 25 मई, 2004

संख्या 03/2004 सीमा-शुल्क

का.आ. 1393.—सीमा शुल्क अधिनियम, 1962 की धारा 8(क) के तहत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए मैं एच.के. जैन, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, रायपुर एतद्द्वारा छत्तीसगढ़ राज्य के रायपुर स्टोर डिपो (आर.एस.डी.) कापा, रायपुर में स्थित कन्टैनर कॉर्पोरेशन ऑफ इंडिया लिमिटेड के इनलैण्ड कन्टैनर डिपो को आयातित वस्तुओं को उतारने और निर्यातित वस्तुओं को लादने के स्थान के रूप में इस आधार पर अनुमोदित करता हूं कि वे सीमा शुल्क अधिनियम, 1962 के संबंधित प्रावधानों तथा इस संबंध में भारत सरकार (अथवा) आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क द्वारा समय-समय पर जारी अन्य निर्देशों का अनुपालन करेंगे।

आगे, सीमा शुल्क अधिनियम, 1962 की धारा 8(ख) के तहत मैं उपरोक्त इनलैण्ड कन्टैनर डिपो, रायपुर स्टोर डिपो, कापा, रायपुर में निहित सीमा शुल्क क्षेत्र का एतद्द्वारा विनिर्दिष्ट करता हूँ, जिसका क्षेत्रफल 12.8448 हेक्टेयर निम्नानुसार है।

पूर्व दिशा में : बलौदाबाजार रोड।

पश्चिम दिशा में : रायपुर स्टोर डिपो गुड्स शेड।

उत्तर दिशा में : फूड कार्पोरेशन ऑफ इंडिया का गोदाम।

दक्षिण दिशा में : रायपुर स्टोर डिपो रेलवे केबिन।

[फा. सं. VIII (सी.शु.)-48-06/2003/के.उ.शु./तक]

एच. के. जैन, आयुक्त

OFFICE OF THE COMMISSIONER : CENTRAL EXCISE & CUSTOMS

Raipur, the 25th May, 2004

No. 03/2004-CUSTOMS

S.O. 1393—In exercise of the powers conferred on me under Section 8(a) of the Customs Act, 1962, I, H.K. Jain, Commissioner, Customs & Central Excise, Raipur, hereby approve the Inland Container Depot of Container Corporation of India Ltd. located at Raipur Store Depot (RSD), Kapa, Raipur in the State of Chhattisgarh, as a place for unloading of imported goods and for loading of export goods, subject to the strict observance of relevant provisions of Customs Act, 1962 and other instructions issued, in this behalf, by the Govt. of India (or) Commissioner of Customs & Central Excise from time to time.

Further under Section 8(b) of the Customs Act, 1962, I hereby specify the limits of the Customs Area comprising the above Inland Container Depot, Raipur Store Depot, Kapa, Raipur and measuring 12.8448 Hectares as under :—

East Side : Baloda Bazar Road.

West Side : Raipur Store Depot goods shed.

North Side : Godown of Food Corporation of India.

South Side : Raipur Store Depot Railway cabin.

[F. No. VIII(Cus.) 48-06/2003/CX/Tech]

H. K. JAIN, Commissioner

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 7 जून, 2004

का. आ. 1394—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु इरकुट्स्क स्टेट मेडिकल इंस्टीट्यूट द्वारा प्रदत्त चिकित्सा अर्हता डिप्लोमा (चिकित्सा स्नातक) उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और डा. चेरकाशिन एलेक्जेंडर फियोदोरोविच, रूस के नागरिक, जिनके पास उक्त अर्हता है नारायण कृष्ण सेवा संस्थान, पसरट्टा बाजार, हाथरस-204101 से धमार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अत: अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा यह विनिर्दिष्ट करती है कि भारत में डा. चेरकाशिन एलेक्जेंडर फियोदोरोविच द्वारा चिकित्सा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) मार्च, 2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. चेरकाशिन एलेक्जेंडर फियोदोरोविच, नारायण कृष्ण सेवा संस्थान, पसरट्टा बाजार, हाथरस-204101 से जुड़े हैं, जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एम ई(नीति-I)]

पी.जी. कलाधरण, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 7th June, 2004

S.O. 1394.—Whereas medical qualification Diploma (Medical Graduate) granted by Irkutsk State Medical Institute is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Cherkashin Alexander Fyodorovich, Russian national, who possess the said qualification is attached to Narayan Krishna Sewa Sansthan, Pasratta Bazar, Hathras-204101 for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Cherkashin Alexander Fyodorovich in India shall be limited to :—

(a) a period of six months from March 2004 onwards; or

(b) the period during which Dr. Cherkashin Alexander Fyodorovich is attached to Narayan Krishna Sewa Sansthan, Pasratta Bazar, Hathras-204101, whichever is shorter.

[No. V-11016/1/2004-ME(Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 7 जून, 2004

का. आ. 1395.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु यूनिवर्सिटी ऑफ ट्यूरिन द्वारा प्रदत्त चिकित्सा अर्हता डाक्टर ऑफ मेडिसिन उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और डा. एंड्रिया पेट्रिनी, इटली के नागरिक, जिनके पास उक्त अर्हता है मित्रानिकेतन सोशल सर्विस सोसाइटी, मित्रानिकेतन अस्पताल, वागमन, केरल से धमार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अत: अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा यह विनिर्दिष्ट करती है कि भारत में डा. एंड्रिया पेट्रिनी द्वारा चिकित्सा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) अप्रैल, 2004 से आगे छह माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. एंड्रिया पेट्रिनी, मित्रानिकेतन सोशल सर्विस सोसाइटी, मित्रानिकेतन अस्पताल, वागमन, केरल से जुड़े हैं, जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एम ई(नीति-I)]

पी.जी. कलाधरण, अवर सचिव

New Delhi, the 7th June, 2004

S.O. 1395.—Whereas medical qualification Doctor of Medicine granted by University of Turin is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Andrea Petrini, Italian national, who possess the said qualification is attached to Mitraniketan Social Service Society, Mitraniketan Hospital Vagamon, Kerala for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Andrea Petrini in India shall be limited to :—

(a) a period of six months from April, 2004 onwards; or

(b) the period during which Dr. Andrea Petrini is attached to Mitraniketan Social Service Society, Mitraniketan Hospital Vagamon, Kerala, whichever is shorter.

[No. V-11016/1/2004-ME(Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 7 जून, 2004

का. आ. 1396.—भारत आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु रॉयल कालेज ऑफ फिजिशिएंस एंड सर्जन्स ग्लैसगो की चिकित्सा अर्हता एफ.आर.सी.एस. उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और डा. जन जकुबोस्की, ब्रिटिश नागरिक, जिनके पास उक्त अर्हता है राष्ट्रीय तंत्रिका विज्ञान केन्द्र, कलकत्ता पीयरलेस अस्पताल कैम्पस, 360 पंचसायर कोलकाता-700094 से धमार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अत: अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा यह विनिर्दिष्ट

करती है कि भारत में डा. जन जकुबोस्की द्वारा चिकित्सा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) इस अधिसूचना के जारी होने की तिथि से छह माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. जन जकुबोस्की, राष्ट्रीय तंत्रिका विज्ञान केन्द्र, कलकत्ता पीयरलेस अस्पताल कैम्पस, 360 पंचसायर कोलकाता-700094 से जुड़े हैं, जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एम ई(नीति-I)]

पी.जी. कलाधरण, अवर सचिव

New Delhi, the 7th June, 2004

S.O. 1396—Whereas medical qualification FRCS of Royal College of Physicians and Surgeons. Glasgow is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Jan Jakubowski. British national, who possess the said qualification is attached to National Neurosciences Centre, Calcutta, Peerless Hospital Campus, 360 Panchasayar, Kolkata-700094 for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Jan Jakubowski in India shall be limited to :—

(a) a period of six months from the date of issue of this notification; or

(b) the period during which Dr. Jan Jakubowski is attached to National Neurosciences Centre Calcutta, Peerless Hospital Campus, 360 Panchasayar, Kolkata-700094, whichever is shorter.

[No. V-11016/1/2004-ME(Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 7 जून, 2004

का. आ. 1397.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु न्यूयार्क मेडिकल कालेज द्वारा प्रदत्त चिकित्सा अर्हता डाक्टर ऑफ मेडिसिन उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और डा. रिचर्ड एफ. कोहन, अमेरिकी नागरिक, जिनके पास उक्त अर्हता है अमृता आयुर्विज्ञान और अनुसंधान केन्द्र संस्थान, अमृता लेन, एलमक्करा, कोचीन से धमार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा यह विनिर्दिष्ट करती है कि भारत में डा. रिचर्ड एफ. कोहन द्वारा चिकित्सा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) इस अधिसूचना के जारी होने की तिथि से छह माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. रिचर्ड एफ. कोहन, अमृता आयुर्विज्ञान और अनुसंधान केन्द्र संस्थान, अमृता लेन, एलमक्करा, कोचीन से जुड़े हैं, जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एम ई(नीति-I)]

पी.जी. कलाधरण, अवर सचिव

New Delhi, the 7th June, 2004

S.O. 1397.—Whereas medical qualification Doctor of Medicine granted by New York Medical College is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Richard F. Cohan, American national, who possess the said qualification is attached to Amrita Institute of Medical Sciences and Research Centre, Amrita Lane, Elamakkara, Cochin for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Richard F. Cohan in India shall be limited to :—

(a) a period six months from the date of issue of this notification; or

(b) the period during which Dr. Richard F. Cohan is attached to Amrita Institute of Medical Sciences and Research Centre, Amrita Lane, Elamakkara, Cochin, whichever is shorter.

[No. V-11016/1/2004-ME(Policy-I)]

P. G. KALADHARAN, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 3 जून, 2004

का. आ. 1398.—केन्द्रीय सरकार (संघ के शासकीय प्रयोजनों के प्रयोग के लिए) राजभाषा नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. क्षेत्रीय तसर अनुसंधान केन्द्र, केन्द्रीय रेशम बोर्ड, स्वामी विवेकानंद वार्ड, साँई मंदिर के सामने, पोस्ट बॉक्स नं. 17, भंडारा-441 904 (महाराष्ट्र);
2. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, बुनियादी तसर रेशमकीट बीज संगठन, केतअवप्रसं, केन्द्रीय रेशम बोर्ड, राम्पाचोड़ावरम (आंध्र प्रदेश);
3. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, बुनियादी तसर रेशमकीट बीज संगठन, केतअवप्रसं, केन्द्रीय रेशम बोर्ड, खरसवाँ (झारखंड);

4. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, बुनियादी तसर रेशमकीट बीज संगठन, केन्द्रीय रेशम बोर्ड, बिलासपुर;

5. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, बुनियादी तसर रेशमकीट बीज संगठन, केन्द्रीय रेशम बोर्ड, काठीकण्ड (झारखंड);

6. प्रदर्शन सह तकनीकी सेवा केन्द्र, केन्द्रीय रेशम प्रौद्योगिकी अनुसंधान संस्थान, केन्द्रीय रेशम बोर्ड, राजगोपालाचारी वार्ड, भंडारा-441 904 (महाराष्ट्र);

7. वस्त्र समिति, "अंकुर" दूसरी मंजिल, मिर्जापुर रोड, लाल दरवाजा, अहमदाबाद-380 001।

[सं. ई-11016/1/99-हिन्दी]

सुधीर भार्गव, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 3rd June, 2004

S.O. 1398.—In pursuance of Sub-rule 4 of rule 10 of the Official Language (Use for official purposes of the Union), Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles, whereof more than 80% staff have acquired working knowledge of Hindi :

1. Regional Tasar Research Centre, Central Silk Board, Swami Vivekanand Ward, Opposite Sai Mandir, Post Box No. 17, Bhandara-441904 (Maharashtra);

2. Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed organization, CTR&TI, Central Silk Board, Rampachoravaram (Andhra Pradesh);

3. Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed organization, CTR&TI, Central Silk Board, Kharaswar (Jharkhand)

4. Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed organization, Central Silk Board, Bilaspur

5. Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed organization, Central Silk Board, Kauthikand (Jharkhand);

6. Demonstration cum technical service centre, Central Silk Technology Research institute, Central Silk Board, Rajgopalachari Ward, Bhandara-441904 (Maharashtra);

7. Textile Committee "Ankur", Second Floor, Mirzapur Road, Lal Darwaja, Ahmedabad-380001;

[No. E-11016/1/99-Hindi]

SUDHIR BHARGAVA, Jt. Secy.

जल संसाधन मंत्रालय

(बेसिन प्रबंधन अनुभाग)

नई दिल्ली, 7 जून, 2004

का. आ. 1399.—जबकि बिहार राज्य के भौगोलिक क्षेत्र में आने वाले एवं झारखण्ड राज्य के भौगोलिक क्षेत्र में संभावित जलमग्नता वाले बरनार जलाशय परियोजना का प्रबंधन बिहार पुनर्गठन अधिनियम, 2000 की धारा 63 के प्रावधान के अंतर्गत दिनांक 14-11-2000 को प्रकाशित एक का.आ. 1015(अ) के द्वारा बिहार राज्य को सौंपा गया था।

और जबकि अब यह स्पष्ट हो गया है कि बरनार जलाशय परियोजना, इसका आवाह क्षेत्र एवं इस जलाशय से बिहार राज्य को जल आपूर्ति संबंधी अन्य कार्य बिहार राज्य में ही स्थित हैं तथा झारखण्ड राज्य में इससे किसी प्रकार की जलमग्नता नहीं हो रही है, के कारण से बिहार राज्य को हो रही जल की आपूर्ति को संशोधित किए जाने की संभावना नहीं है जिससे इस पर प्रतिकूल प्रभाव पड़ सकता था।

और जबकि उक्त अधिसूचना में बरनार जलाशय परियोजना को सम्मिलित किए जाने के कारण उक्त अधिसूचना के प्रावधान को लागू करने में कठिनाई आ रही है।

अब, ऐसी स्थिति में, उक्त अधिसूचना की धारा-2 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्र सरकार ने उक्त अधिसूचना में आंशिक संशोधन कर उक्त अधिसूचना के अनुबंध-1 में से बरनार जलाशय परियोजना को हटा दिया है।

[सं. 5/6/2001-बीएम]

ए. डी. भारद्वाज, आयुक्त (परियोजना)

MINISTRY OF WATER RESOURCES

(Basin Management Section)

New Delhi, the 7th June, 2004

S.O. 1399.—Whereas management of Barnar Reservoir Project falling in the geographical area of the State of Bihar and having likely submergence in the geographical area of the State of Jharkhand was entrusted to the State of Bihar under the provision of Section 63 of Bihar Reorganisation Act, 2000 through a S.O. 1015(E) published on 14-11-2000.

And whereas it has now been established that supply of water to the State of Bihar is not likely to be modified to its disadvantage by reason of the fact that Barnar Reservoir Project, its catchment and other works related to supply of water from the reservoir to the State of Bihar are located in the State of Bihar and there is no submergence in the State of Jharkhand.

And whereas difficulty has arisen in giving effect to the provision of the aforesaid notification due to inclusion of the Barnar Reservoir Project in the aforesaid notification.

Now, therefore, in exercise of powers conferred by Section 2 of the said notification, the Central Government in partial modification of the aforesaid notification deletes the Barnar Reservoir Project from the Annexure I of the aforesaid notification.

[No. 5/6/2001-BM]

A. D. BHARDWAJ, Commissioner (Projects)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 3 जून, 2004

का.आ. 1400.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रिमियर इन्स्ट्रूमेंट्स एंड कंट्रोल लिमिटेड, 132 ऊटी मैन रोड, पैरीयानाइकन पलायम, कोयम्बटूर-641020 द्वारा विनिर्मित ''प्राइकोल-10-आर-1'' शृंखला के अंकक सूचन सहित ''टैक्सी मीटर'' के माडल का, जिसके ब्राण्ड का नाम ''प्राइकोल'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/565 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती

उक्त माडल ''टैक्सी मीटर'' समय और दूरी मापने वाला उपकरण है जो निरन्तर रूप से योग करता रहता है और यात्रा के किसी भी समय पर किराया दर्शाता है। सार्वजनिक वाहन के यात्री द्वारा संदेय प्रभार की गई यात्रा की दूरी और कतिपय गति के नीचे, अधिकृत समय, प्राधिकृत किराया के अनुसार अनुपूरक प्रभारों से मुक्त किराया उपदर्शित करता है। ''के'' घटक 2720 पल्स/कि.मी. है।

[फा.सं. डब्ल्यू. एम.-21(232)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

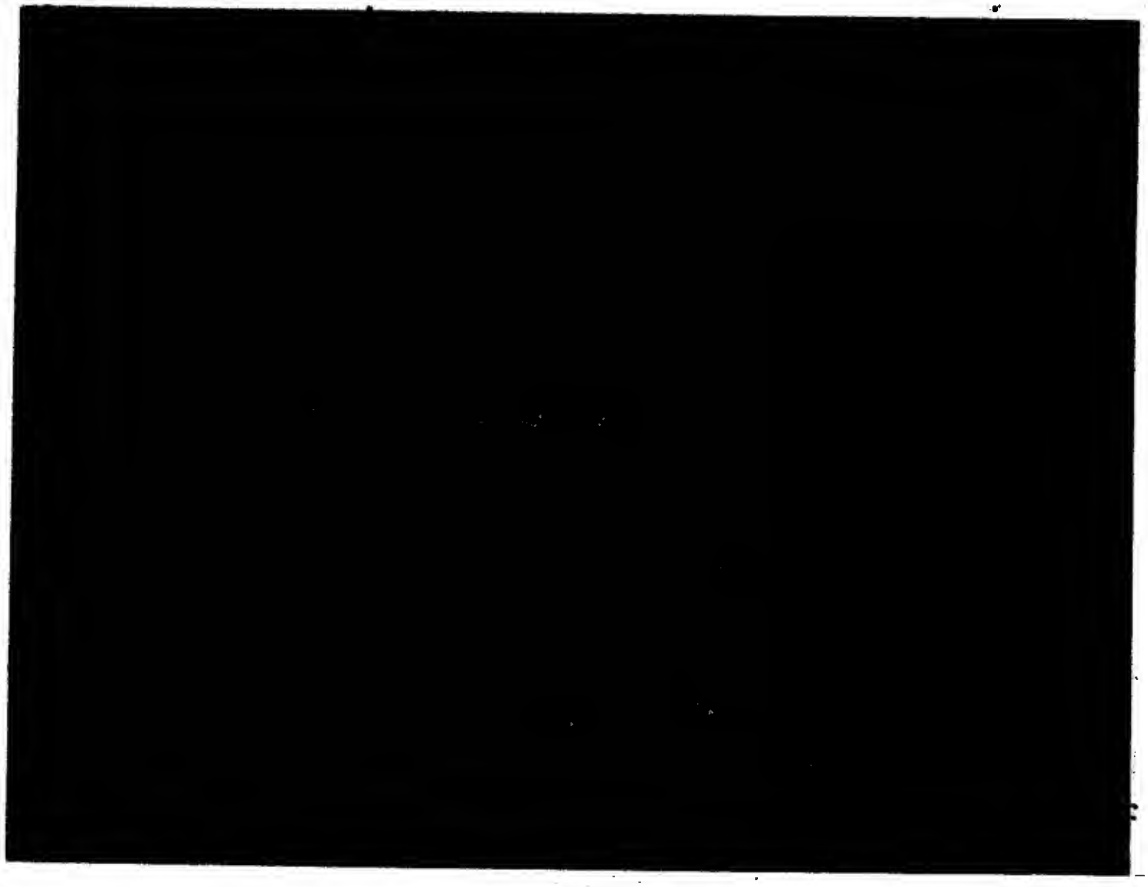
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 3rd June, 2004

S.O. 1400.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi Meter" with digital indication (hereinafter referred to as the said Model) of "PRICOL-10R-1" series with brand name "PRICOL" manufactured by M/s Premier Instruments and Controls Limited, 132, Ooty Main Road, Periyanaicken Palyam, Coimbatore-641020 and which is assigned the approval mark IND/09/03/565;



Instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the length of the time occupied, independent of supplementary charges according to the authorized tariffs. The 'K" factor is 2720 pulses/ kilometer.

[F. No. WM-21(232)/2002]

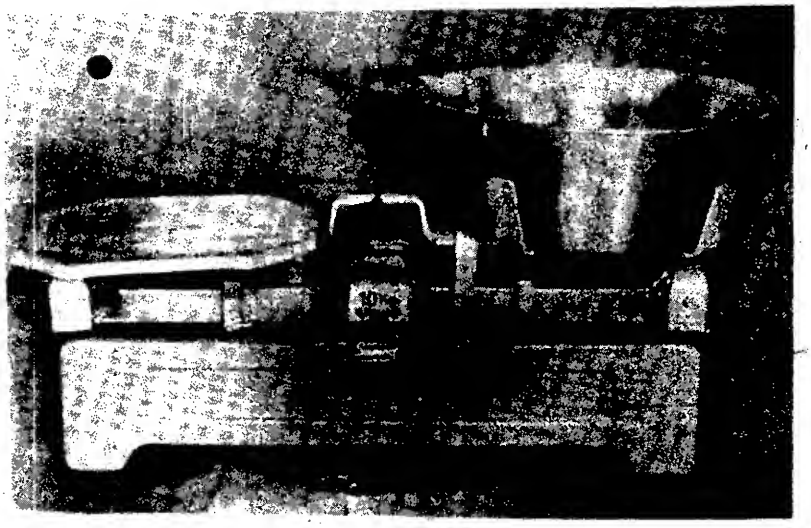
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 जून, 2004

का.आ. 1401.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुमित स्केल कं०, गांधी सोसायटी, सावरकुण्डला-364515, गुजरात द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्राण्ड का नाम "सुमित स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/204 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रख्यापित करती है;

उक्त माडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के काउंटर मशीन भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(87)/2003]

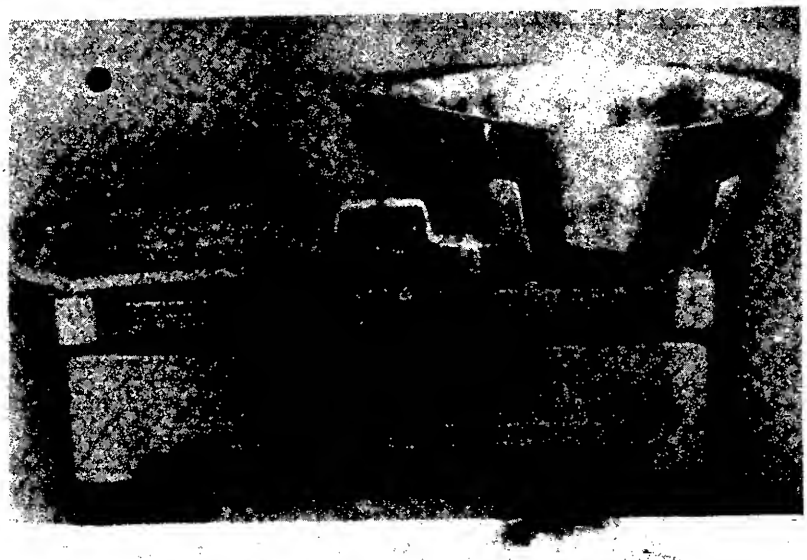
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th June, 2004

S.O. 1401.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter Machine with brand name "SUMIT SCALE" (herein referred to as the said model), manufactured by M/s. Sumit Scale Company, Gandhi Society, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/204;

The said Model (see the figure given) is a Counter Machine. The maximum capacity is 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(87)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 जून, 2004

का.आ. 1402.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स राय इलेक्ट्रानिक्स, 6, विजय नगर कालोनी, वाराणसी 221010 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "एल सी बी" श्रृंखला के स्वतःसूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "राय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/22 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी गेज प्रकार के भारतोल सेल पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 3 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टांपिंग प्लेट को मुद्रांकन करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहार के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(62)/94]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

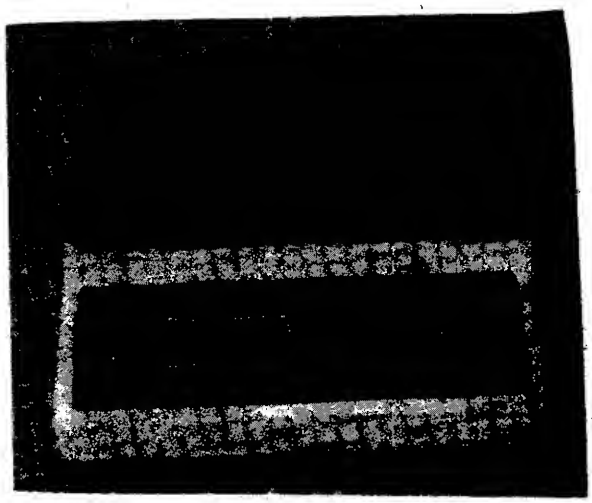
New Delhi, the 7th June, 2004

S.O. 1402.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic (Table top type) weighing instument with digital indication of medium accuracy (accuracy class-III) and with brand name "ROY" (hereinafter referred to as the model), 'LCB' series manufactured by M/s. Roy Electronics, 6, Vijaynagar Colony, Varanasi-221 010 and which is assigned the approval mark IND/09/2004/22;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 3kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent substractive retained tare effect. The light Emitting Diode display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

Sealing : In addition to sealing the stamping plate, sealing shall also done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(62)/1994]

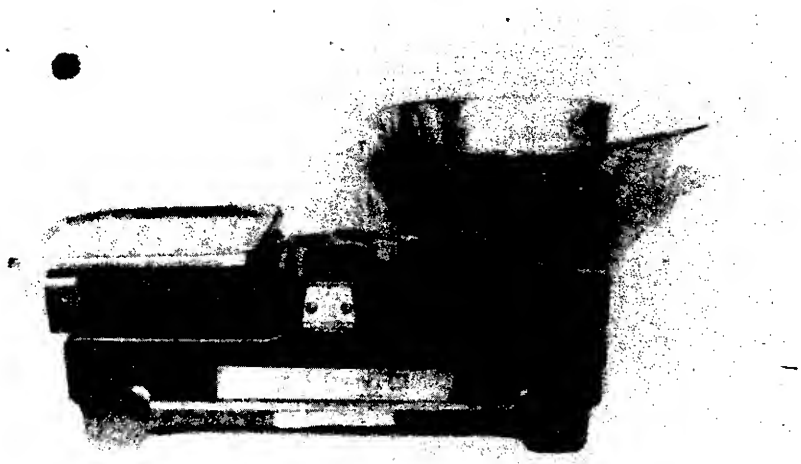
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 जून 2004

का. आ. 1403.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) तथा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिहिर स्केल इण्डस्ट्रीज, इण्डस्ट्रियल एस्टेट, सावरकुण्डला अमरेली जिला-364515 (गुजरात) द्वारा विनिर्मित काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "मिहिर स्केल इण्डस्ट्रीज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/554 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउण्टर मशीन है जिसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू एम-21(220)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th June, 2004

S.O. 1403.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the said Model of a counter machine, with brand name "Mihir Scale industries" (herein referred to as the said Model), manufactured by M/s. Mihir Scale Industries, Industrial Estate, Savarkundla, Amreli-District-364515 (Gujarat) and which is assigned the approval Mark IND/09/2003/554.

The said Model (see the figure given below) is a counter machine its maximum capacity is 5kg.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 500g upto 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(220)/2002]

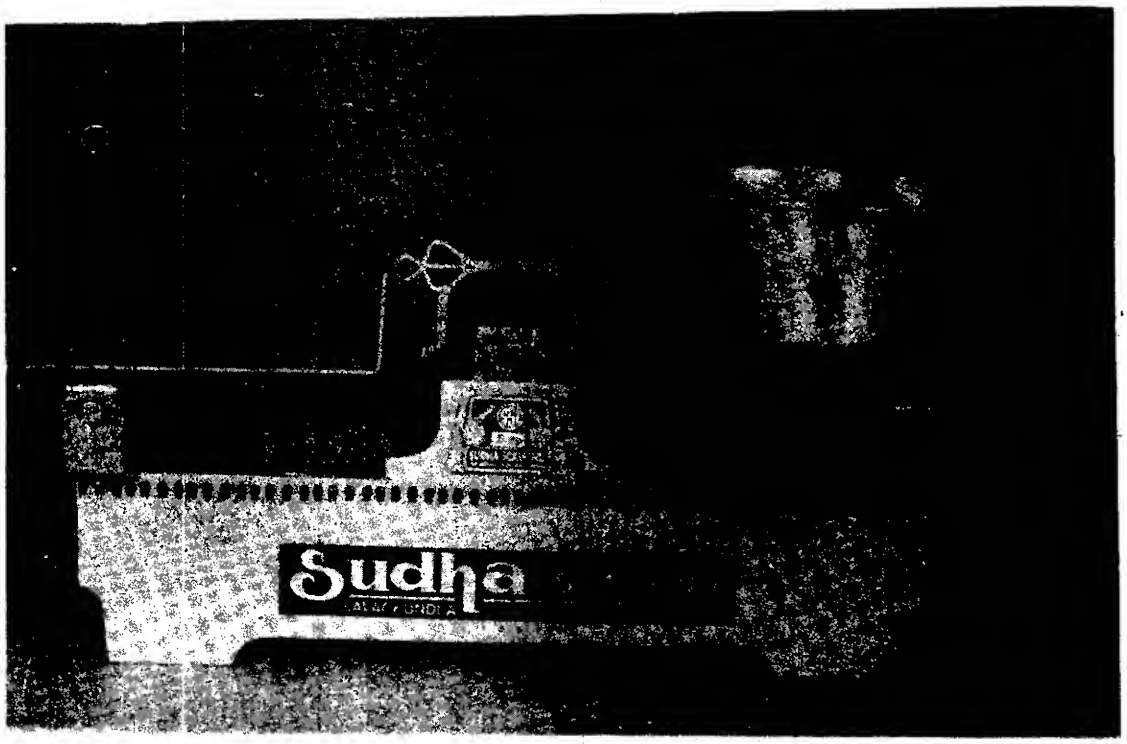
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 जून, 2004

का. आ. 1404.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुधा स्केल कं., होथी भाई स्ट्रीट, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउन्टर मशीन के माडल का, जिसके ब्रांड का नाम "सुधा स्केल" है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/58 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउण्टर मशीन है जिसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिसे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू एम-21(304)/2002]

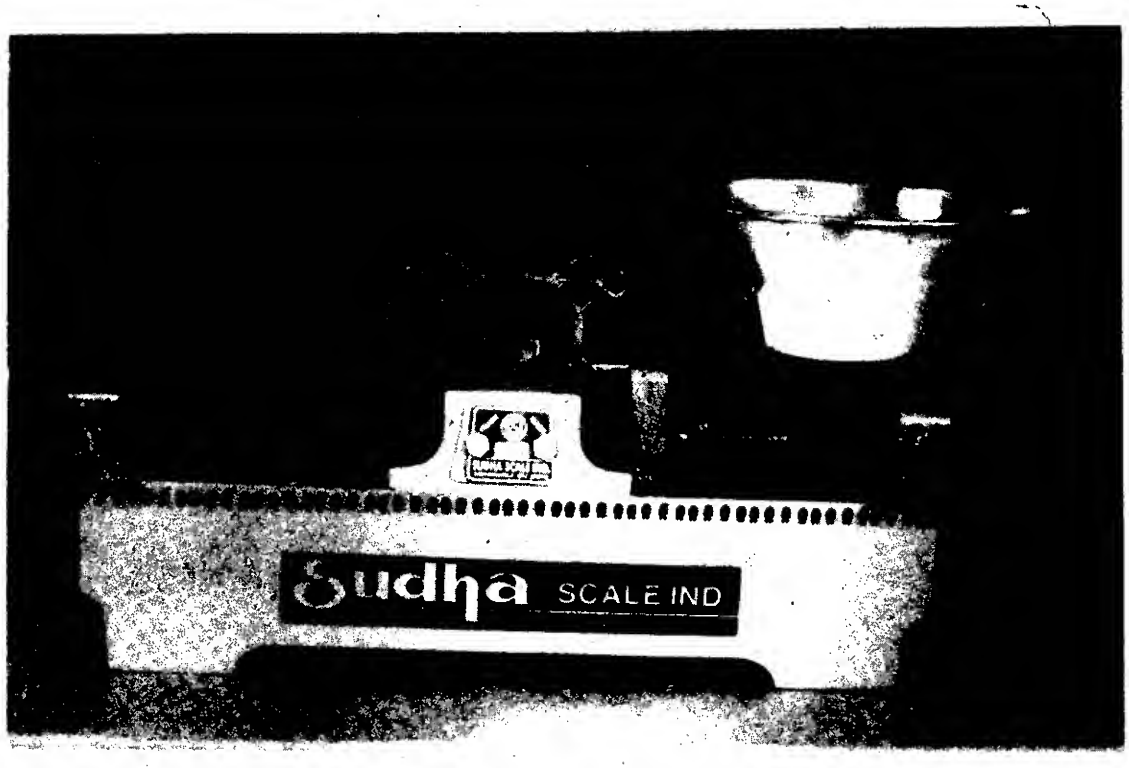
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th June, 2004

S.O. 1404.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine with brand name "Sudha Scale Co." (herein referred to as the Model), manufactured by M/s. Sudha Scale Co., Hothibhai Street, Savarkundla-363515 (Gujarat) and which is assigned the approval Mark IND/09/03/58;

The said model (see the figure given below) is a counter machine with maximum capacity is 5 kg.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the model shall also cover the counter machine of similar make, accuracy and performance of same series with capacity ranging from 500g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(304)/2002]

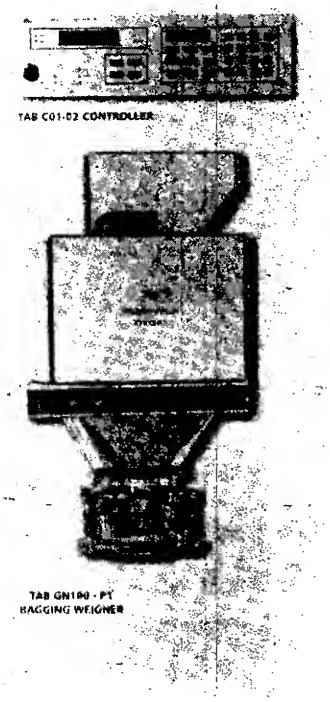
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 जून, 2004

का० आ० 1405.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेक्नो वे सिस्टम प्रा. लि., 276/8, एलीस काम्पलेक्स, जी आई डी सी इंडस्ट्रियल एस्टेट, मोकरपुरा, बड़ौदा-390010 द्वारा विनिर्मित "टेब जी एन-100 पी 1" शृंखला के अंकक प्रकार की स्वचालित तोलन मशीन (भारसेल आधारित) के मॉडल का, जिसके ब्रांड का नाम "टेक्नो" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/430 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

सीलबन्दी : स्टाम्प लगाने वाली प्लेट के पास पैनल बोर्ड के पीछे की ओर सील लगाने का स्थल दिया गया है। कपटपूर्ण उपयोग से बचने के लिए समुचित स्थान पर अतिरिक्त सील बन्द की जाती है।



माडल (दी गई आकृति) के अनुसार एक अंकक प्रदर्श प्रकार की स्वचालित बेईंग मशीन है। यह स्थिर शीर्ष के अधीन गुरुत्वीय भरण के सिद्धांत पर कार्य करती है। मशीन 20 कि० ग्रा० से 100 कि० ग्रा० के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है। यह मशीन चाय, काफी, मसाले, चीनी, कणिकाओं रसायन और औषध उत्पादों आदि जैसे मुक्त प्रवाह उत्पादों को भरने के लिए डिजाइन की गई है। यह 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

[फा०सं० डब्ल्यू० एम०-21(95)/2001]

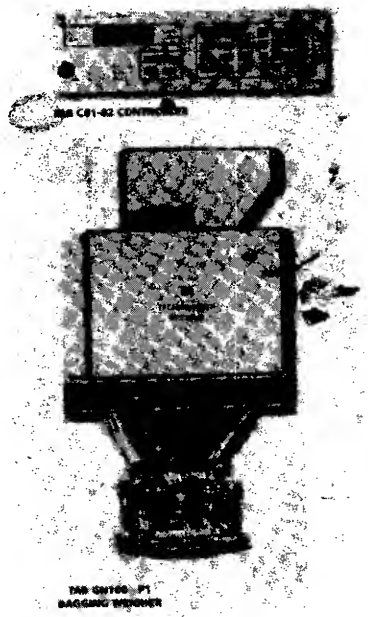
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th June, 2004

S.O. 1405.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the Automatic Weighing Machine (load cell based) of digital type "TAB GN-100 P1" series and with brand name "TECHNO" (herein referred as the Model) Manufactured by M/s. Techno Weigh Systems Pvt. Ltd., 276/8, Allied Complex, GIDC Industrial Estate, Makarpura, Baroda-390 010 and which is assigned the approval Mark IND/09/2003/430;

Sealing : the sealing point is provided on the back side of the panel board near stamping plate. To avoid fraudulent use and additional sealing is done at the appropriate place.



The Model (as per the figure given) is an Automatic Weighing Machine of digital display type. It works on the principle of gravity feed under constant head. The Machine can be adjusted to deliver any range between 20 kg. to 100 kg. The Machine is designed to fill free flowing products such as tea, coffee, spices, sugar granules, chemical and Pharmaceutical products. It operates on 230 Volt, 50 Hertz alternate current power supply.

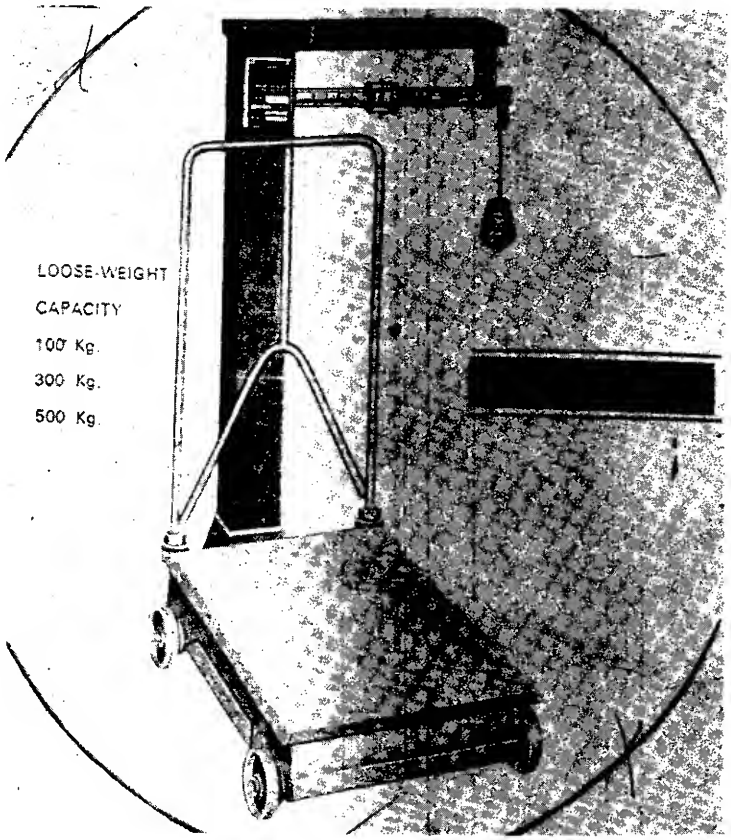
[F. No. WM-21(95)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 जून, 2004

का०आ० 1406.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवराइट स्केल्स इण्डिया, आर जेड-48/9, गली सं० 2, तुगलकाबाद एक्सटेंशन, नई दिल्ली-110019 द्वारा विनिर्मित माध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एवराइट" शृंखला के तुल्य रूप सूचन सहित अस्वचालित, तोलन उपकरण (प्लेटफार्म मशीन-प्रो वेट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एवराइट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/633 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक मेनिकल लीवर आधारित अस्वचालित (प्लेटफार्म मशीन प्रो वेट प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।

स्टाम्पिग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील बंद किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा० या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से 1000 कि० ग्रा० तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

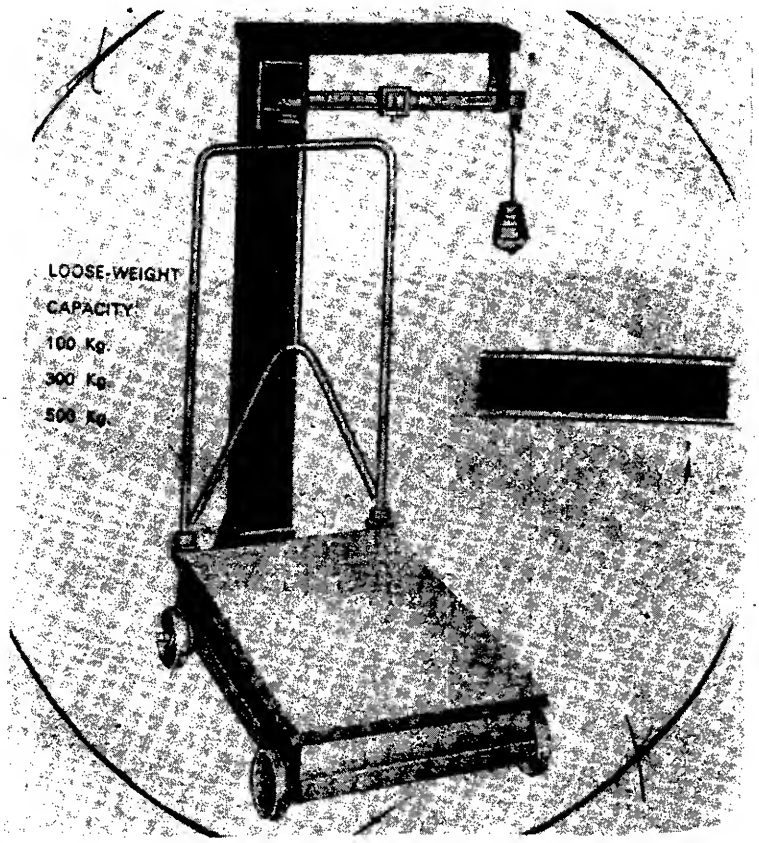
[फा० सं० डब्ल्यू० एम०-21(48)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th June, 2004

S.O. 1407.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform machine-Pro weight type) with analogue indication of "EVERITE" series of medium accuracy (Accuracy class-III) and with brand name "EVERITE" (herein referred to as the said Model) manufactured by M/s. Everite Scales India, RZ-48/9, Gali No. 2, Tugalakabad Extension, New Delhi-110019 and which is assigned the approval mark IND/09/2003/633;



The said Model is a mechanical lever based non-automatic weighing instrument (Platform machine-Pro Weight type) with a maximum capacity of 300 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging between 50 kg and 1000 kg. with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(48)/2003]

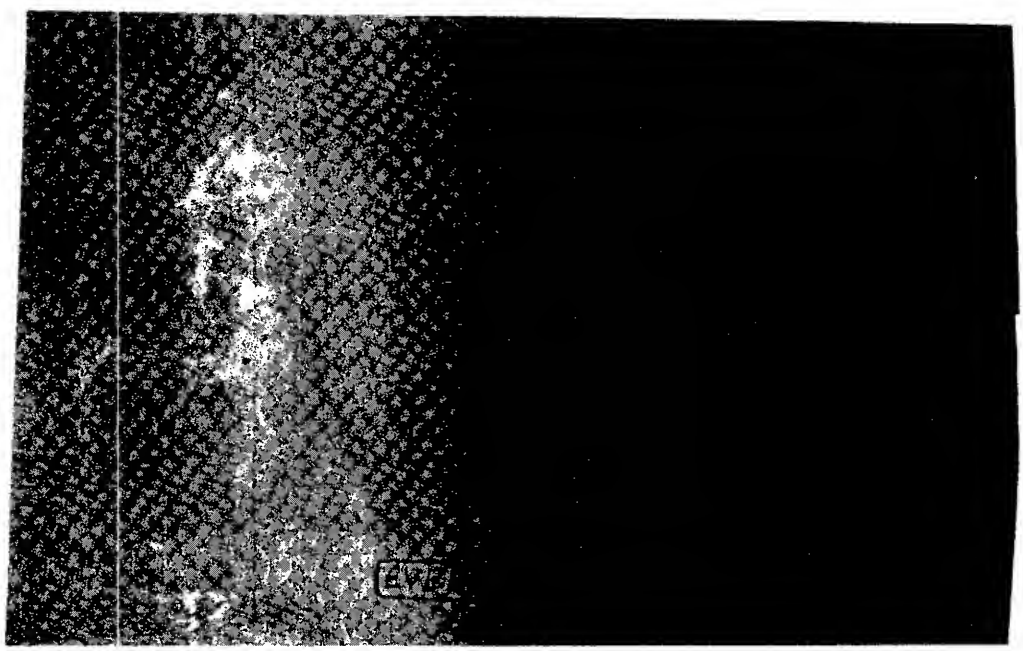
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 जून, 2004

का.आ. 1407.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवराइट स्केल्स इण्डिया, आर जेड-48/9, गली सं. 2, तुगलकाबाद एक्सटेशन, नई दिल्ली-110019 द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्राण्ड का नाम "एवराइट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/632 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है जिसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू. एम. 21(48)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

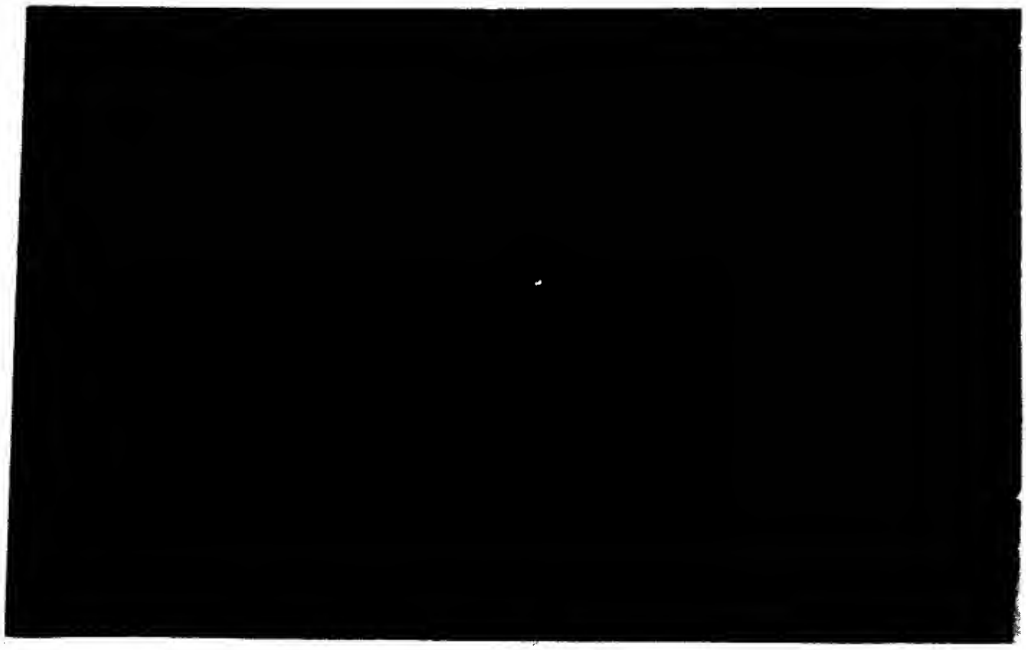
New Delhi, the 7th June, 2004

S.O. 1407.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine (herein referred to as the said model) with brand name "EVERITE", manufactured by M/s. Everite Scales India, RZ-48/9, Gali No. 2, Tugalakabad Extension, New Delhi-110019 and which is assigned the approval mark IND/09/2003/632;

The said model (see the figure) "is counter machine".

The maximum capacity is 5 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

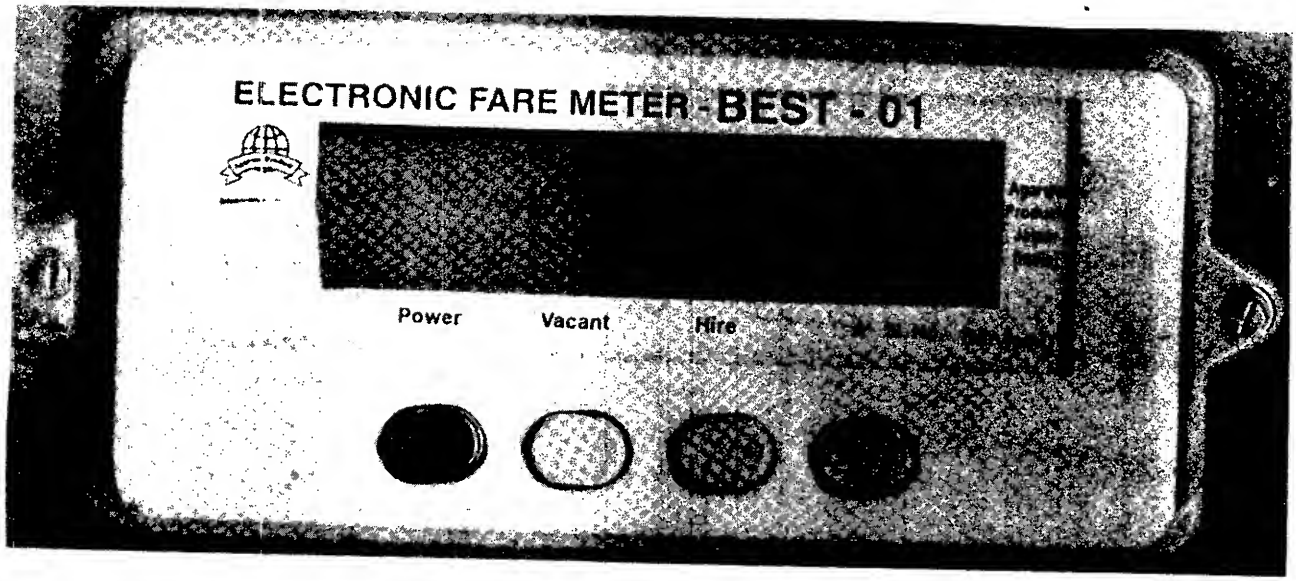
[F. No. WM-21(48)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1408.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अग्रवाल प्राडक्ट, मंगला मार्ग, ब्रह्मपुरी, जयपुर, राजस्थान द्वारा विनिर्मित "वेस्ट-01" शृंखला के अंकक सूचन सहित टैक्सी मीटर के माडल का, जिसके ब्रांड का नाम "बेस्ट" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/426 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



स्टाम्पिग प्लेट को सीलबन्द करने के अतिरिक्त अनाचार के लिए उपकरण को पल्स जनरेटर, केबल और किराया मीटर को खोलने से रोकने के लिए सील बंदी की जा सकेगी।

उक्त माडल एक टैक्सी किराया मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचन समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी क्षण में किराया और यात्री द्वारा संदेय प्रभार उपदर्शित करता है। संदेय किराया कतिपय गति से ऊपर तय की गई दूरी और अनुबंधित यात्रा के दौरान उस गति से नीचे लगे समय का फलक है। मीटर का पठन छह खंडीय द्रव क्रिस्टल प्रदर्श द्वारा मीटर पठन उपदर्शित किया जाता है और विद्युत प्रदाय डी सी 9 वी-18 वी है। मीटर का "के" कारक 1270 स्पंद प्रति किलोमीटर है।

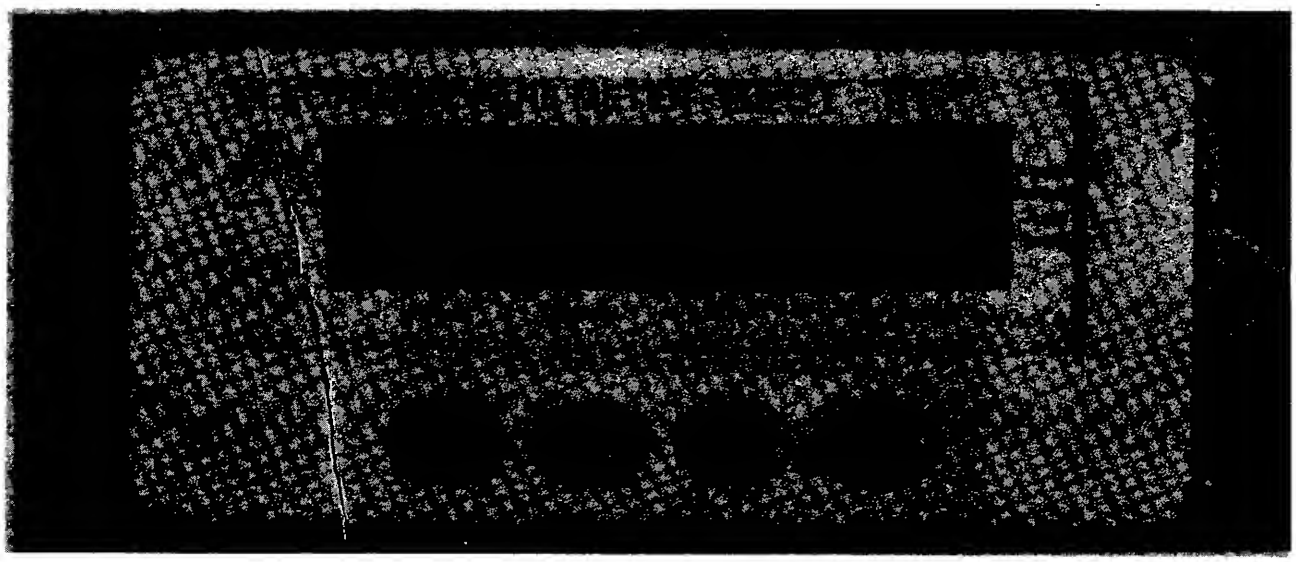
[फा.सं. डब्ल्यू. एम. 21(215)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1408.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of a Taxi Meter with digital indication of 'Best-01' series with brand name "BEST" (herein referred to as the said model), manufactured by M/s Agarwal Product, Mangla Marg, Bhrampuri, Jaipur, Rajasthan and which is assigned the approval mark IND/09/2003/426;



In addition to stamping plate, the sealing may be done to prevent opening of the pulse generator, cable and the fare meter for malpractice.

The said model is a Taxi Meter with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The fare to pay is a function of the distance travelled above a certain specified speed and the time elapsed below that specified speed during the journey. The reading of the meter is indicated by six segment liquid crystal display (LCD) and power supply is DC 9V—18V. The 'K' factor of the meter is 1200 pulses/Kilometer.

[F. No. WM-21(215)/2002]

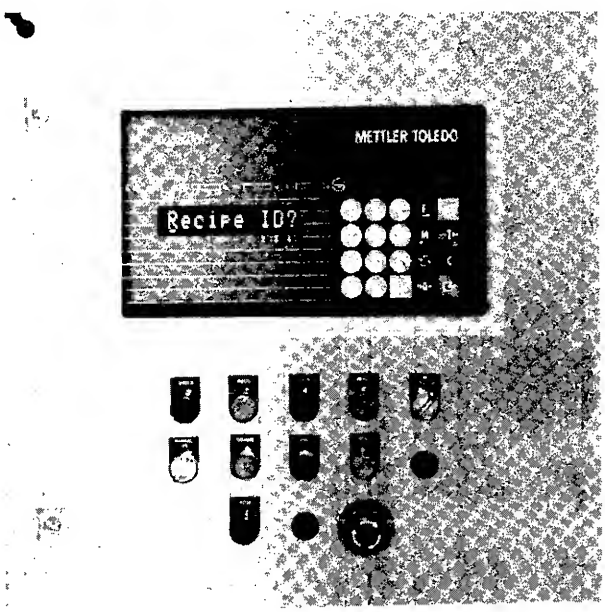
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1409.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो इन्डिया प्रा.लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400072 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "टी डब्ल्यू एस-50" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टैंक बेइंग बैचिंग प्रणाली) के माडल का, जिसके ब्राण्ड का नाम "मेटलर-टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/354 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टैंक बेइंग बैचिंग प्रणाली) है। जिसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। निर्वात प्रतिदिप्त (वी ई डी) प्रदर्श तोलन परिणाम उपदिर्शित करता है। उपकरण 230 वोल्ट और 50 हटर्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. के "ई" के मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k} 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम. 21(109)/2002]

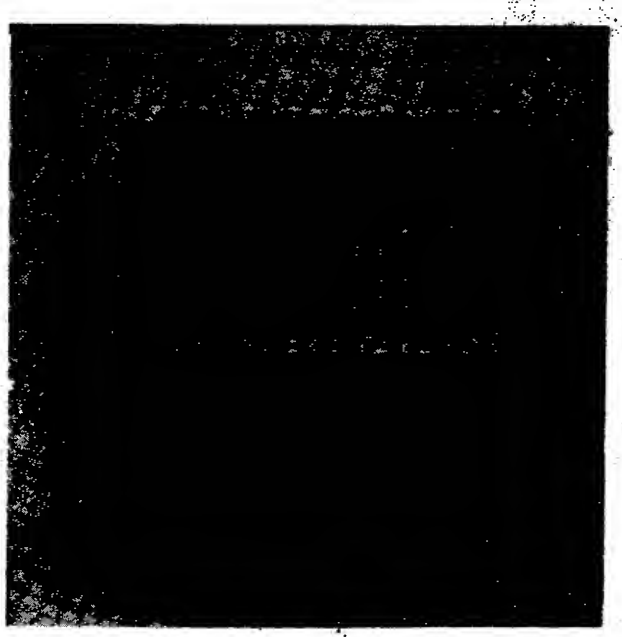
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1409.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self-indicating, non-automatic weighing instrument (Tank Weighing Batching System) with digital indication of "TWS 50 series of medium accuracy (accuracy class-III) and with brand name "Mettler-Toledo" (hereinafter referred to as the said model), manufactured by M/s Mettler-Toledo India Pvt. Ltd., Amar Hills, Saki Vihar Road Powai, Mumbai-400072 and which is approval mark IND/09/2003/354.

The said model (see the figure given below) is a strain guage type load cell based non-automatic weighing instrument (Tank Weighing Batching System) with a Maximum capacity of 50 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The vacuum fluorescent (VED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approval model has been manufactured.

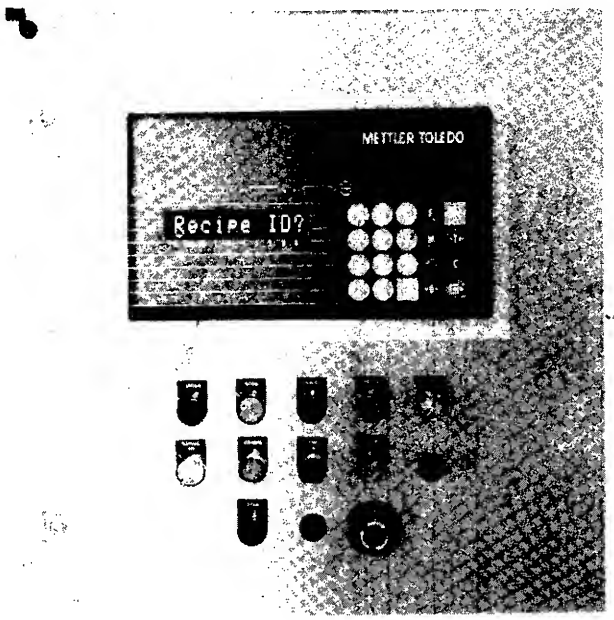
[F. No. WM-21(109)/2002]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1410.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो इन्डिया प्रा.लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400072 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "टी डब्ल्यू एस-3000" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टैंक वेइंग बैचिंग प्रणाली) के माडल का, जिसके ब्राण्ड का नाम "मेटलर-टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/355 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टैंक बेइंग बैचिंग प्रणाली) है। जिसकी अधिकतम क्षमता 3000 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. है। सत्यापन मापमान अनतराल 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। निर्वात प्रतिदिप्त (वी ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हटर्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "इं" मान 1×10^{k} 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम. 21(109)/2002]

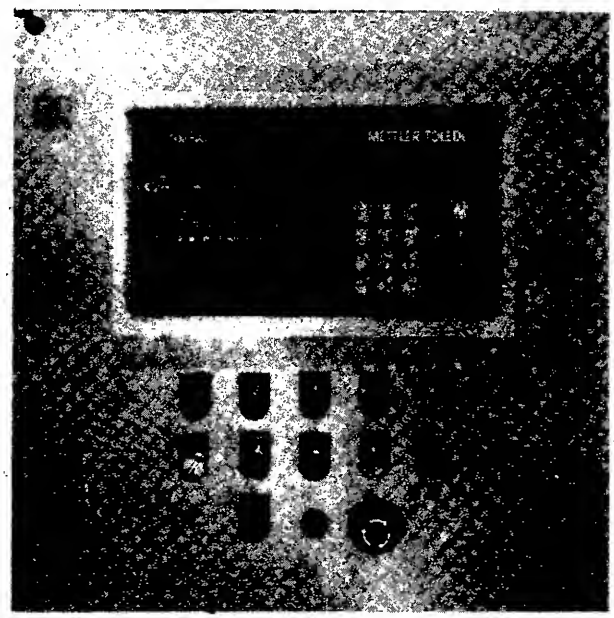
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1410.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self-indicating, non-automatic weighing instrument (Tank Weighing Batching System) with digital indication of "TWS 3000" series of medim accuracy (accuracy class-III) and with brand name "Mettler-Toledo" (hereinafter referred to as the said model), manufactured by M/s. Mettler-Toledo India Pvt. Ltd., Amar Hills, Saki Vihar Road, Powai, Mumbai-400072 and which is approval mark IND/09/2003/355.

The said model (see the figure given below) is a strain guage type load cell based non-automatic weighing instrument (Tank Weighing Batching System) with a Maximum capacity of 3000 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 500 g. It has a tare device with a 100 per cent subtractive retained tare effect. The vacuum fluorescent (VED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 50kg and up to 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a postive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approval said model has been manufactured.

[F. No. WM-21(109)/2002]

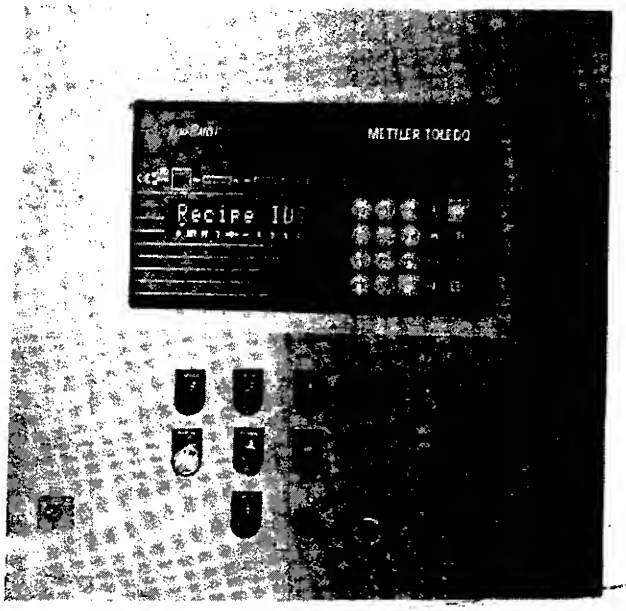
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1411.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो इन्डिया प्रा.लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400072 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "टी डब्ल्यू एस-2000" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण के माडल का, जिसके ब्राण्ड का नाम "मेटलर-टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/703 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। जिसकी अधिकतम क्षमता 20000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत पर कार्य करता है। स्टांपिंग प्लेट का मुद्रांकन करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहार के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(109)/2002]

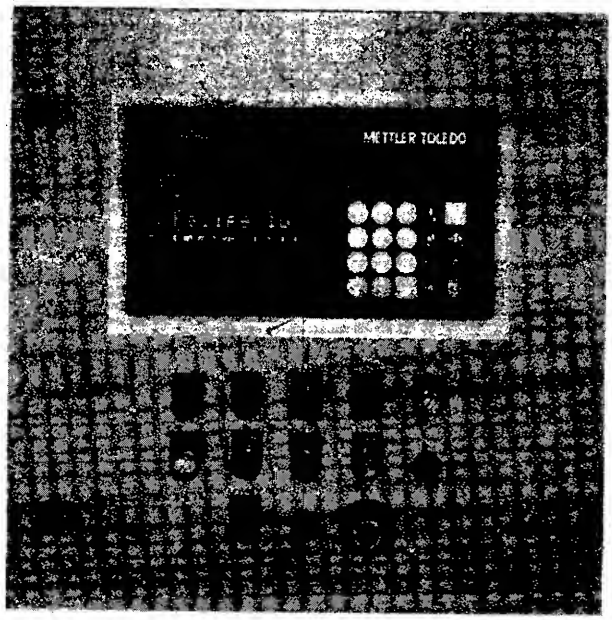
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1411.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument with digital indication of "TWS 2000" series of medium accuracy (accuracy class-III) and with brand name "Mettler-Toledo" (hereinafter referred to as the said model), manufactured by M/s. Mettler-Toledo India Pvt. Ltd. Amar Hills, Saki Vihar Road Powai, Mumbai-400072, and which is assigned the approval mark IND/09/2003/703.

The said model is a strain gauge type load cell based non-automatic weighing instrument with a Maximum capacity of 20,000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The vacuum fluorescent (VFD) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a postive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(109)/2002]

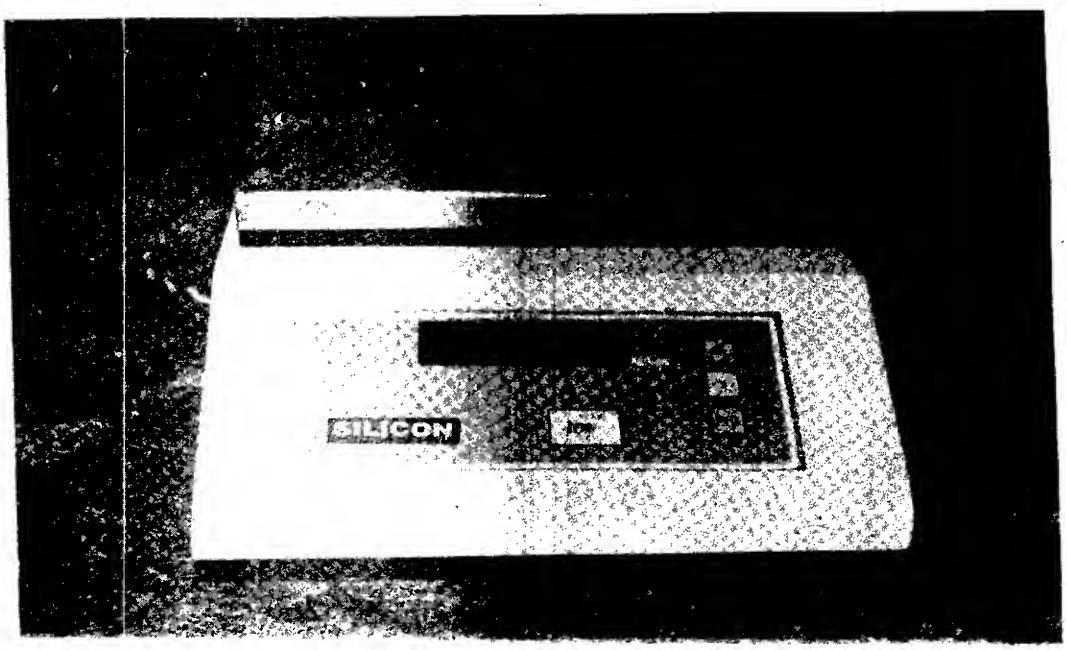
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1412.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भाग्यश्री इंडस्ट्रीज, प्लाट सं. 39-40, चित्तारेड्डी, तार बन्द एक्स रोड, सिकन्दराबाद-500009, आन्ध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-2) वाले "एम आई जे" श्रृंखला के अंकक सूचन सहित अस्वचालित (टेबलटाप प्रकार) उपकरण का, जिसके ब्राण्ड का नाम "सिलिकोन" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/498 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल एक विकृत मापी प्रकार का भार सेल पर आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। जिसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदिर्शित करता है। उपकरण 230 वोल्ट और 50 हटर्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। स्टांपिंग प्लेट सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए इसको भी सील किया जाता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{क}, 2×10^{क} या 5×10^{क}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(41)/2003]

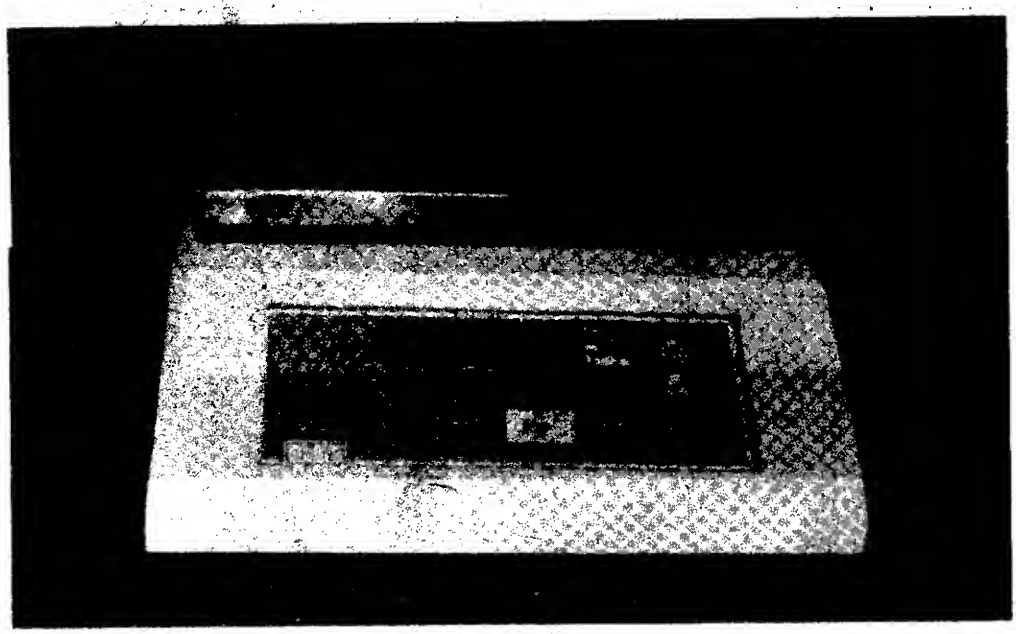
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1412.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic (Table top type) weighing instrument with digital indication of "SIJ" series of high accuracy (accuracy class-II) and with brand name "SILICON" (hereinafter referred to as the said model), manufactured by M/s. Bhagyashree Industries, Plot No. 39-40, Chitareddy Colony, Tarbund X Road, Secunderabad-500009, Andhra Pradesh and which is assigned approval mark IND/09/2003/498.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a Maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply. In addition to sealing the stamping plate sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg. or 50 mg. and for verification scale interval in the range 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

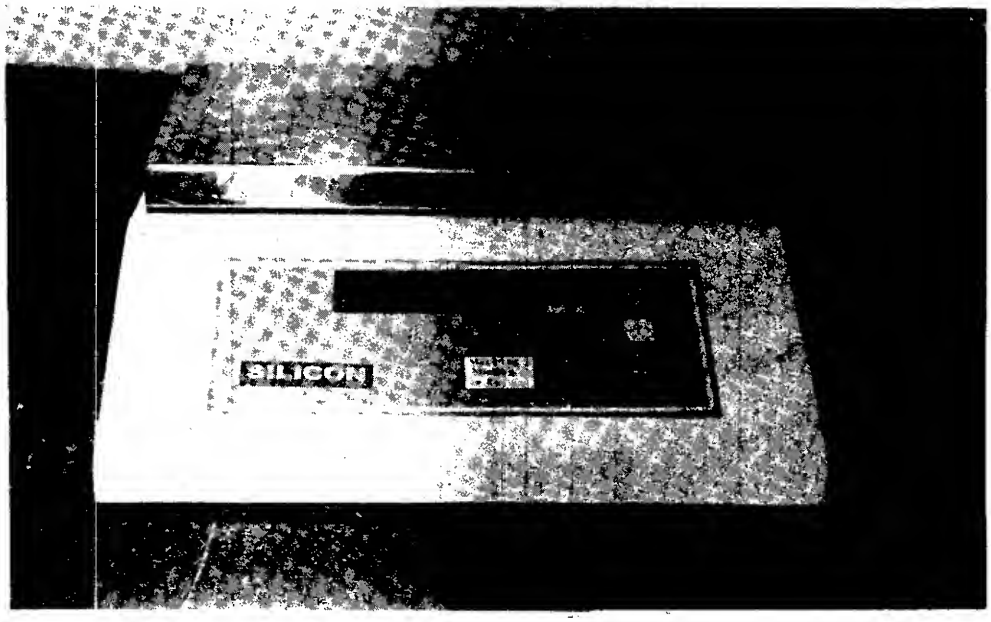
[F. No. WM-21(41)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1413.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भाग्यश्री इंडस्ट्रीज, प्लाट सं. 39-40, चित्तारेड्डी, तार बन्द एक्स रोड, सिकन्दराबाद-500009, आन्ध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "एस आई टी" शृंखला के अंकक सूचन सहित अस्वचालित (टेबलटॉप प्रकार) उपकरण का, जिसके ब्राण्ड का नाम "सिलिकोन" है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/499 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत मापी प्रकार का भार सेल पर आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए इसको भी सील किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{\text{के}}$, $2\times10^{\text{के}}$ या $5\times10^{\text{के}}$, हैं, 'के' जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

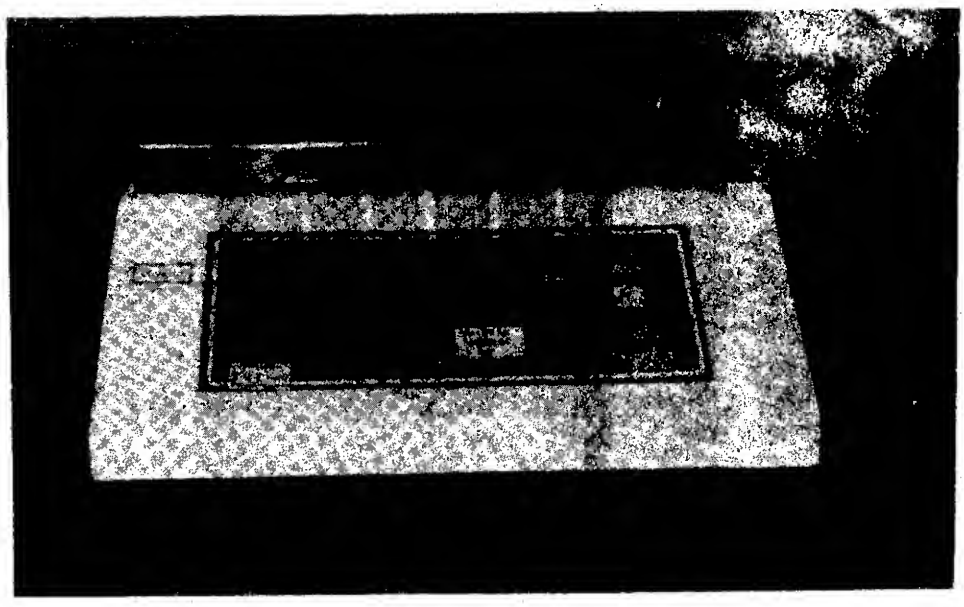
[फा.सं. डब्ल्यू. एम. 21(41)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1413.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "SIT" series of medimum accuracy (accuracy class-III) and with brand name "SILICON" (herein referred to as the said model), manufactured by M/s Bhagyashree Industries, Plot No. 39-40, Chittareddy Colony, Tarbund X Road, Secunderabad-500009, Andhra Pradesh and which is assigned the approval mark IND/09/2003/499.



The said model is a strain guage type load cell based non-automatic weighing instrument (Table top type) with a Maximum capacity of 30 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-Section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of to 10000 for 'e' value of 100mg to 2g and for verification scale interval in range the 500 to 10000 for 'e' value of 100 mg or more with 'e' value of 1×10^k, 2×10^k or 5×10^k, K being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

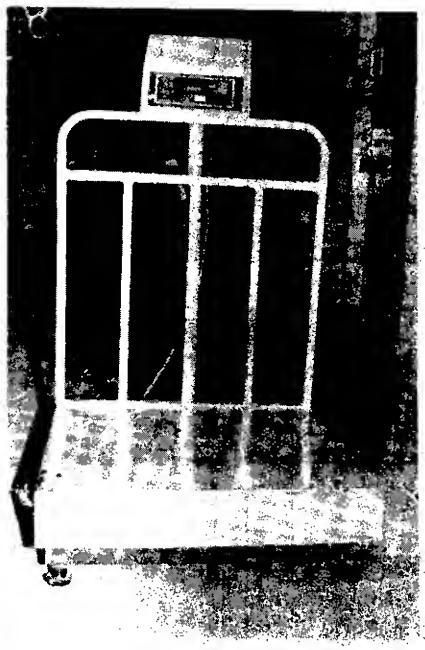
[F. No. WM-21(41)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1414.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भाग्यश्री इंडस्ट्रीज, प्लाट सं० 39-40, चित्तारेड्डी, तार बन्द एक्स रोड, सिकन्दराबाद - 500009, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "एस आई पी" श्रृंखला के अंकक सूचन सहित अस्वचालित (प्लेटफार्म प्रकार) उपकरण का, जिसके ब्राण्ड का नाम "सिलिकोन" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/500 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत मापी प्रकार का भार सेल पर आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधायतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदिर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए इसको भी सील किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. से 1000 कि. ग्रा. तक की रेंज में अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, हैं 'के' जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

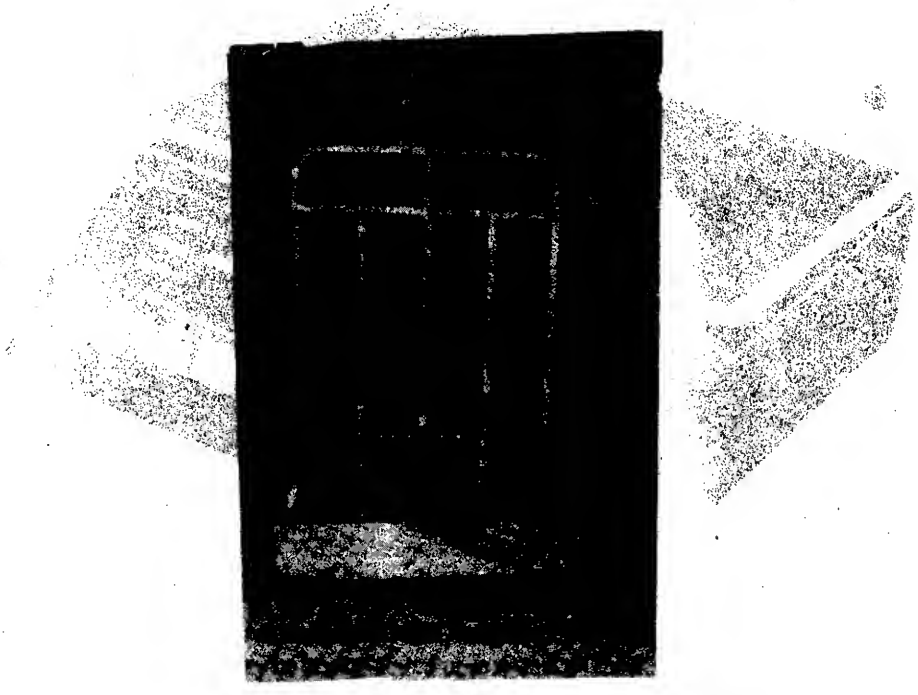
[फा.सं. डब्ल्यू. एम. 21(41)/2003]

सी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1414.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instrument with digital indication of "SIP" series of medium accuracy (accuracy class-III) and with brand name "SILICON" (herein referred to as the said Model), manufactured by M/s Bhagyashree Industries, Plot No. 39-40, Chittareddy Colony, Tarbund X Road, Secunderabad-500009, Andhra Pradesh and which is assigned the approval mark IND/09/2003/500;



The said model is a strain guage type load cell based non-automatic weighing instrument (Platform type) with a Maximum capacity of 500 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 50kg to 1000kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approval model has been manufactured.

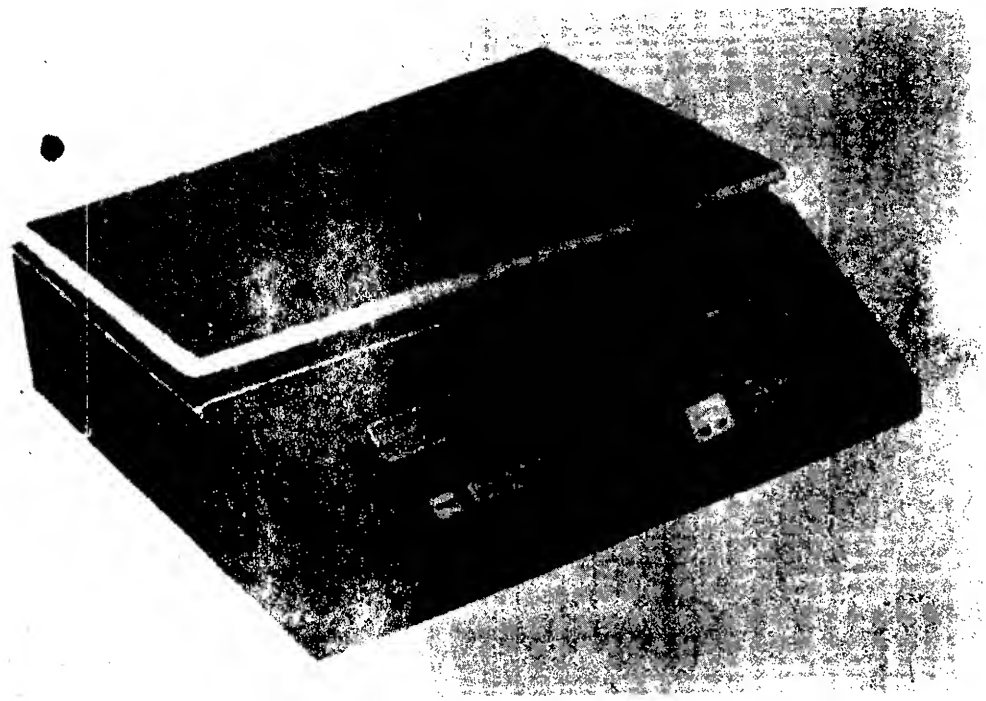
[F. No. WM-21(41)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1415.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेक्नो स्केल इंडस्ट्रीज़, 47, श्री सोमनाथ साक, नरनपुरा रोड, अहमदाबाद-380013 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "टी टी एस" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टेक्नो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/520 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत मापी प्रकार का भार सेल पर आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 10 कि० ग्रा० और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त, मुद्रांकन कपटपूर्ण व्यवहार से मशीन को खोले जाने से रोकने के लिए भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि० ग्रा० से 2 ग्रा० तक या "ई" मान के लिए 500 से 10,000 तक के रेंज में कार्यपालन के तोलन उपकरण में भी होंगे जो 5 ग्रा० या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि०ग्रा० तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(104)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1415.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "TTS" series of Medium accuracy (accuracy class-III) and with brand name "TECHNO" (herein referred to as said Model) manufactured by M/s. Techno Scale Industries, 47, Shree Somnath Soc, Naranpura Road, Ahmedabad-380013 and which is assigned the approval mark IND/09/2003/520;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10 Kg. and minimum capacity of 20 g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g or with verification scale interval 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(104)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1416.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेक्नो स्केल इंडस्ट्रीज़, 47, श्री सोमनाथ शाक, नरनपुरा रोड, अहमदाबाद-380013 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "टी टी एस" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टी०पी०एस०" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/521 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृतमापी प्रकार का भार सेल पर आधारित अस्वचालित का तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त, मुद्रांकन कपटपूर्ण व्यवहार से मशीन को खोले जाने से रोकने के लिए भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि०ग्रा० से अधिक 1000 कि०ग्रा० तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

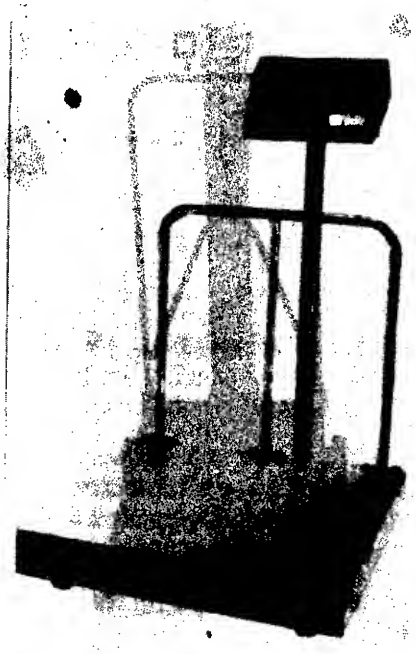
[फा.सं. डब्ल्यू. एम. 21(104)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1416.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instrument with digital indication of "TPS" series of special accuracy (accuracy class-III) and with brand name "TECHNO" (herein referred to as the said Model) manufactured by M/s. Techno Scale Industries 47, Shree Somnath Soc, Naranpura Road, Ahmedabad-380013 and which is assigned the approval mark IND/09/2003/521;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (platform type) with a maximum capacity of 300 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230V, 50 Hz alternate current power supply.

In addition to sealing the stamping plate, the sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 50kg to 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

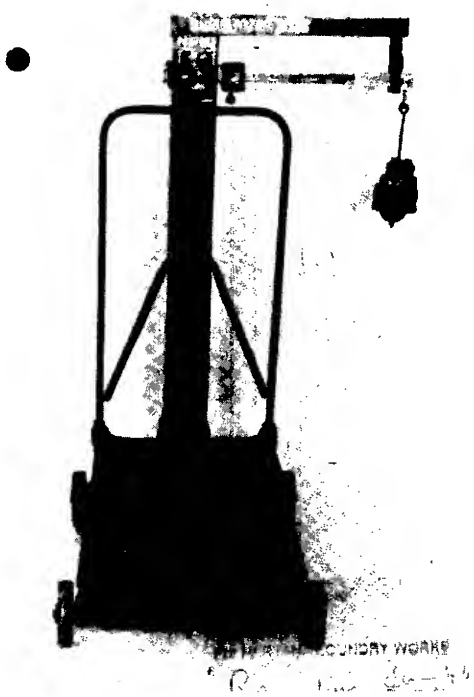
[F. No. WM-21(104)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का०आ० 1417.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हरियाणा फाउंडरी वर्क्स, 31-सी, मदन पार्क, पूर्वी पंजाबी बाग, नई दिल्ली-110026 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी एल आई" श्रृंखला के अर्ध स्वसूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन भारोन्मुखभार प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एच एफ डब्ल्यू" है (जिसे इसमें इसके पश्चत् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/480 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक स्टील यार्ड प्रकार का लीवर आधारित अस्वचालित (प्लेटफार्म मशीन भारोन्मुख भार प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा० है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा० या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अन्तराल सहित 50 कि०ग्रा० से 1000 कि०ग्राम० तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

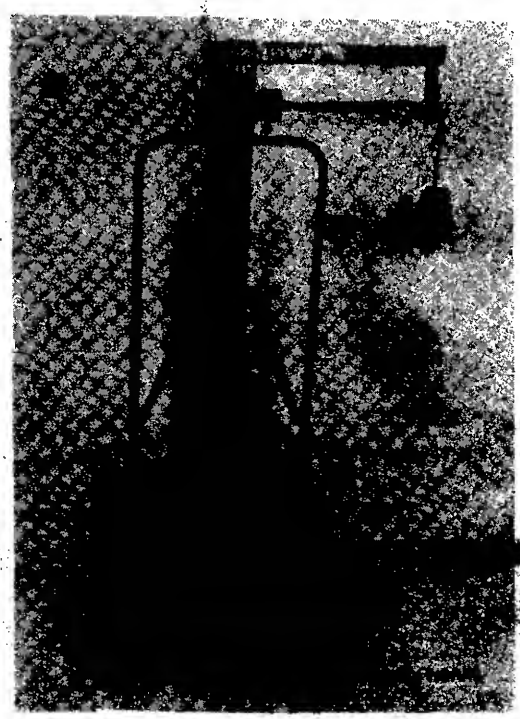
[फा.सं. डब्ल्यू. एम. 21(30)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1417.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Plateform machine-Pro-Weight type) weighing instrument with analogue indication of "DLI" series of Medium accuracy (accuracy Class-III) and with brand name "HFW" (herein referred to as the said Model) manufactured by M/s. Haryana Foundry Works, 31-C, Madan Park, East Punjabi Bagh, New Delhi-110026 and which is assigned the approval mark IND/09/2003/480;



The said Model is a mechanical steelyard type liver based non-automatic weighing instrument (Plateform machine-Pro Weight type) with a maximum capacity of 300 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also done to stop the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg. with verification sacle interval (n) in the range of 100 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(30)/2003]

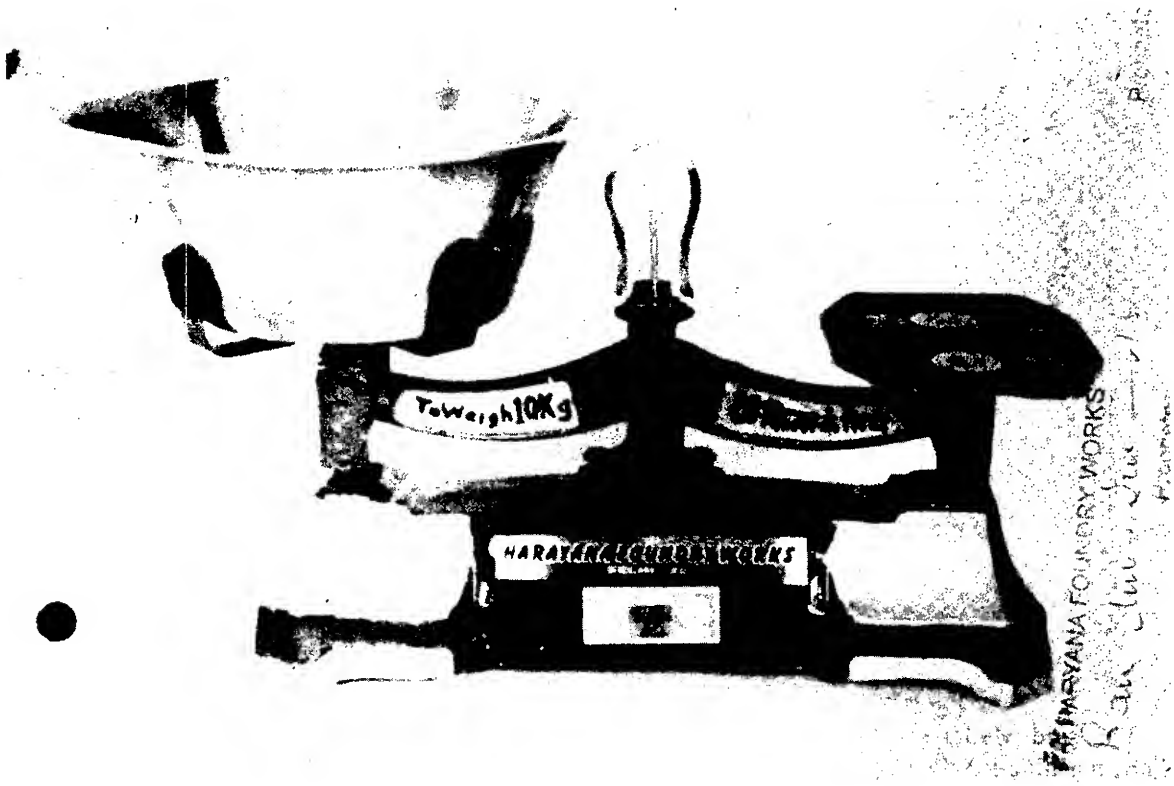
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 जून, 2004

का.आ. 1418.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हरियाणा फाउंडरी वर्कस, 31-सी, मदन पार्क पूर्वी पंजाबी बाग, नई दिल्ली-110026 द्वारा विनिर्मित काउंटर मशीन के मॉडल का जिसके ब्राण्ड का नाम "एच एफ डब्ल्यू" है (जिसे इसमें इसके पश्चत् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/481 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

यह मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम. 21(30)/2003]

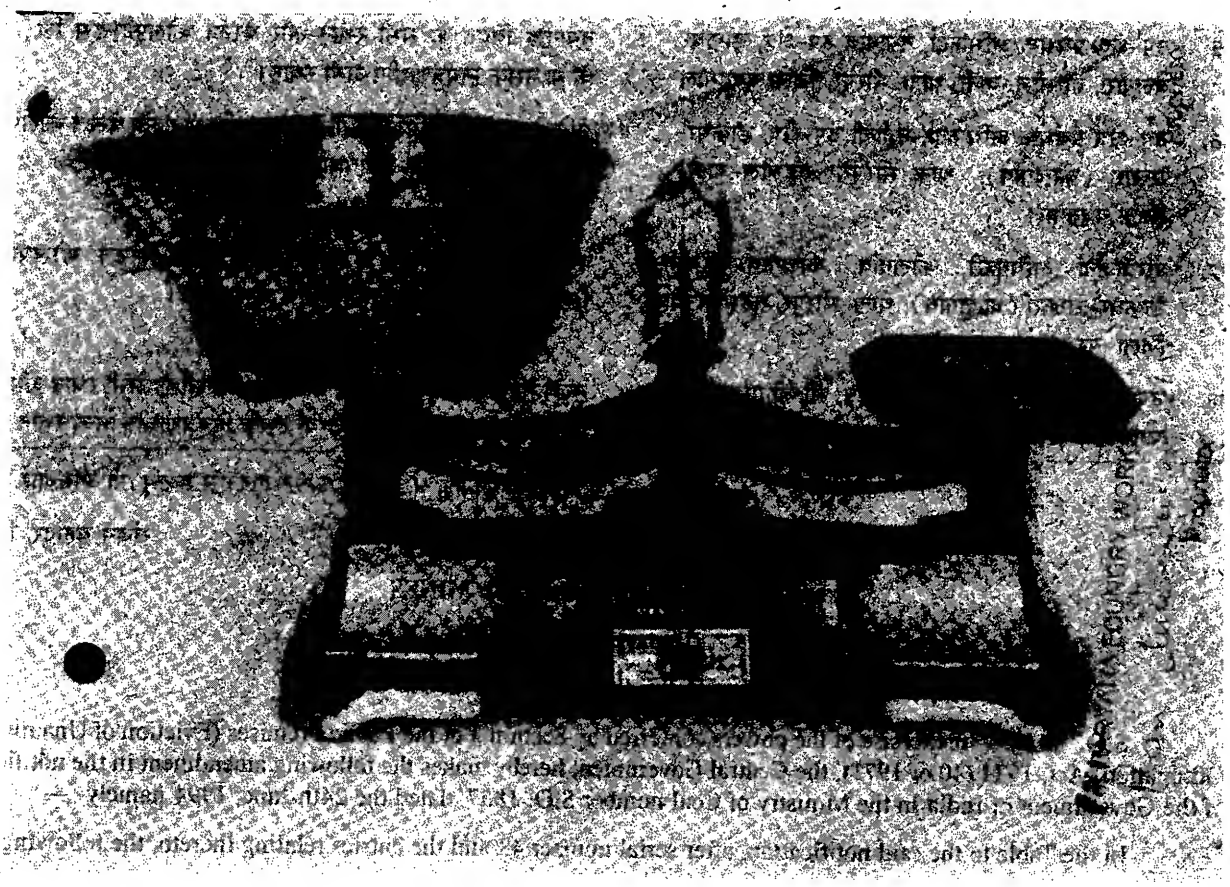
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th June, 2004

S.O. 1418.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine with brand name "HFW" (herein referred to as the said Model), Manufactured by M/s. Haryana Foundry Works, 31-C, Madan Park, East Punjabi Bagh, New Delhi-110026 and which is assigned the approval mark IND/09/2003/481;

The said model (see the figure given below) is a counter machine. Its maximum capacity is 10 Kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(30)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

कोयला और खान मंत्रालय

(कोयला विभाग)

नई दिल्ली, 10 जून, 2004

का.आ. 1419.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अभिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1857, तारीख 24 जून, 1994 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में क्रम सं. 43 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

1	2
44. उप-क्षेत्र प्रबंधक/अभिकर्ता, नीलजय उप-क्षेत्र, डाकघर-बेल्लोरा, तहसील-वानी, थाना-सीरपुर, जिला यवतमाल	नीलजय दक्षिण, नीलजय विवृत के सभी स्थान और वेस्टर्न कोलफील्ड्स लि., नागपुर या उसके नियंत्रणाधीन अन्य स्थान।
45. उप-क्षेत्र प्रबंधक/अभिकर्ता, नयागांव उप-क्षेत्र, डाकघर-बेल्लोरा, तहसील-वानी, थाना-सीरपुर, जिला यवतमाल	नयागांव विवृत के सभी स्थान और वेस्टर्न कोलफील्ड्स लि., नागपुर के या उसके नियंत्रणाधीन अन्य स्थान।
46. उप-क्षेत्र प्रबंधक/अभिकर्ता, मंगोली उप-क्षेत्र, डाकघर-सखारा (कोलगांव), थाना-सीरपुर, तहसील-वानी, जिला यवतमाल	मंगोली उप-क्षेत्र/नीरगुडा परियोजना के सभी स्थान और वेस्टर्न कोलफील्ड्स लि., नागपुर या उसके नियंत्रणाधीन अन्य स्थान।
47. परियोजना अधिकारी, कोलगांव, कोलगांव परियोजना, डाकघर-सखारा (कोलगांव), थाना-सीरपुर, तहसील-वानी, जिला-यवतमाल	कोलगांव परियोजना के सभी स्थान और वेस्टर्न कोलफील्ड्स लि., नागपुर या उसके नियंत्रणाधीन अन्य स्थान।
48. उपमुख्य कार्मिक प्रबंधक, वानी क्षेत्र, सी.जी.एम. का कार्यालय, ऊर्जाग्राम, टडाली डाकघर, जिला-चन्द्रपुर	मुख्य महाप्रबंधक काम्प्लैक्स, ऊर्जागांव टडाली के सभी स्थान और वेस्टर्न कोलफील्ड्स लि., नागपुर के या उसके नियंत्रणाधीन अन्य स्थान।

[फा. सं. 43022/5/93/एल.एस.डब्ल्यू./पी.आर.आई.डब्ल्यू]

संजय बहादुर, निदेशक

MINISTRY OF COAL AND MINES

(Department of Coal)

New Delhi, the 10th June, 2004

S.O. 1419.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Coal number S.O. 1857, dated the 24th June, 1994 namely :—

In the Table to the said notification, after serial number 43 and the entries relating thereto, the following shall be added namely :—

1	2
44. Sub-Area Manager/Agent, Neelijay Sub-Area, P.O. Bellora, Teh. Wani, Thana : Sirpur, District-Yavatmal.	All premises of Neeljay South, Neelijay Open Cast and other premises belonging to or under the control of Western Coalfields Limited, Nagpur.
45. Sub-Area Manager/Agent, Naigaon, Sub-Area, P.O. Bellora, Teh. Wani, Thana : Sirpur, District-Yavatmal.	All premises Naigaon Open Cast and other premises belonging to or under the control of Western Coalfields Limited, Nagpur.
46. Sub-Area Manager/Agent, Mungoli Sub-Area, P.O. Sakhara (Kolgaon), Thana : Sirpur, Teh. : Wani, District-Yavatmal.	All premises of Mungoli Sub-Area/Nirguda Project and other premises belonging to or under the control of Western Coalfields Limited, Nagpur.

1	2
47. Project Officer, Kolgaon, Kolgaon Project, P.O. Sakhara (Kolgaon), Thana : Sirpur, Teh.Wani, District-Yavatmal.	All premises of Kolgaon Project and other premises belonging to or under the control of Western Coalfields Limited, Nagpur.
48. Deputy Chief Personnel Manager, Wani Area, CGM Office, Urjagram, Tadali PO, District Chandrapur.	All premises of Chief General Manager Complex, Urjagram Tadali and other premises belonging to or under the control of Western Coalfields Limited, Nagpur.

[File No. 43022/5/93-LSW/PRIW]
SANJAY BAHADUR, Director

नई दिल्ली, 14 जून, 2004

का.आ. 1420.—केन्द्रीय सरकार, कोयला खान भविष्य निधि तथा प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 3ग की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र भाग II, खंड 3, उपखंड (ii), तारीख 4 अगस्त, 2001 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 1891 तारीख 24 जुलाई, 2001 में संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "तीन वर्ष की अवधि तक या अगले आदेशों तक, इसमें से जो भी पूर्वतर हो" शब्दों के स्थान पर "31-12-2004 तक या अगले आदेशों तक, इसमें से जो भी पूर्वतर हो" शब्द और अंक रखे जाएंगे।

[फा. सं. 20/29/2000-ए.एस.ओ./पी.आर.आई.डब्ल्यू.-I]

संजय बहादुर, निदेशक

New Delhi, the 14th June, 2004

S.O. 1420.—In exercise of the Powers conferred by Sub-section (1) of Section 3(c) of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), the Central Government hereby amends the notification of the Government of India in the Ministry of Coal, number S.O. 1891 dated the 24th July, 2001 Published in Part-II, Section 3, Sub-section (ii) dated the 4th August, 2001 of the Gazette of India namely :—

In the said notification, for the words "for a period of three years or until further orders, whichever is earlier" the words and figures "to 31-12-2004 or until further orders, whichever is earlier" shall be substituted.

[File No. 20/29/2000-ASO/PRIW-I]

SANJAY BAHADUR, Director

नई दिल्ली, 14 जून, 2004

का.आ. 1421.—केन्द्रीय सरकार, कोयला खान भविष्य निधि तथा प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 9 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र भाग II, खंड 3, उपखंड (ii), तारीख 4 अगस्त, 2001 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 1892 तारीख 24 जुलाई, 2001 में संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "तीन वर्ष की अवधि के लिए" शब्दों के स्थान पर "31-12-2004 तक" शब्द और अंक रखे जाएंगे।

[फा. सं. 20/29/2000-ए.एस.ओ./पी.आर.आई.डब्ल्यू.-II]

संजय बहादुर, निदेशक

New Delhi, the 14th June, 2004

S.O. 1421.—In pursuance of Sub-section (2) of Section 9 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), the Central Government hereby amends the notification of the Government of India in the Ministry of Coal, number S.O. 1892 dated the 24th July, 2001 Published in Part-II, Section 3, Sub-section (ii) dated the 4th August, 2001 of the Gazette of India namely :—

In the said notification, for the words "for a period of three years" the words and figures "to 31-12-2004" shall be substituted.

[File No. 20/29/2000-ASO/PRIW-II]

SANJAY BAHADUR, Director

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 जून, 2004

का०आ० 1422.—केन्द्रीय सरकार ने पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 2384 तारीख, 12 अगस्त, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गेल (इंडिया) लिमिटेड द्वारा संघ राज्य क्षेत्र पांडिचेरी में एसआरसीएम से जीआर एस एल गैस पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 17 सितम्बर, 2003 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं०	आर० ओ० यू अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
पान्डिचेरी	कारैकल	5, नेदूनगाडू	291/1	0.00.5 जी.पी
			291/2	0.01.5
			291/3	0.01.0
			291/5	0.03.0
			152/2	0.03.5 जी.पी
			151/3	0.01.5 जी.पी
			139/3	0.00.5 जी.पी
			139/4	0.03.0 जी.पी
			140/5	0.04.5
			141/3	0.02.5
			141/1बी	0.00.5
			141/2	0.03.0
			141/3	0.05.5
			141/4	0.05.0
			149/2	0.06.5
			149/6	0.01.5 जी.पी
			148/1	0.01.5 जी.पी
			148/4	0.07.0
			167/2	0.05.5
			167/3	0.08.5
			167/4	0.05.0
			170	0.01.5 जी.पी
			173/1	0.03.0
			173/2ए	0.03.5
			173/2बी	0.06.0
			173/3	0.00.5
			173/4	0.01.0
			173/5	0.03.0
			173/6	0.06.5
			174/2	0.07.5
			174/3	0.00.5
			179/1	0.10.5
			179/3	0.00.5
			179/5	0.00.5
			193/1	0.03.0
			193/4	0.11.5
			195/3	0.10.5
			195/5	0.03.5
			195/4	0.01.0
			195/6	0.03.0
			194	0.01.5 जी.पी
			91/2	0.02.0
			90/1	0.09.0
			90/2	0.00.5 जी.पी
			90/3	0.17.0
			90/4	0.01.0 जी.पी

1	2	3	4	5
पान्डिचेरी	कारैकल	5, नेदुनगाडु	89/1	0.00.5 जी.पी
			89/2	0.01.0 जी.पी
			85	0.35.0
			52/1	0.04.5
			52/2	0.04.0 जी.पी
			52/3	0.00.5
			52/5	0.00.5
			53/5	0.11.5
			54	0.01.5 जी.पी
			55/1	0.00.5 जी.पी
			55/3	0.02.0
			55/4	0.12.5
			55/5	0.00.5
			55/6	0.00.5
			58/2ए	0.02.5
			58/2बी	0.05.5
			59/1	0.01.0 जी.पी
			59/2	0.05.0
			59/3	0.06.5
			62/1	0.06.0
			62/2	0.05.5
			64/1	0.10.0
			64/2	0.07.5
			64/3	0.00.5 जी.पी
			66/3	0.00.5
			66/4	0.05.0
			66/6	0.00.5 जी.पी
			71/1	0.01.0
			71/2A	0.12.0
			68	0.02.0 जी.पी
			कुल	3.24.0
		6, कुरूम्बगरम्	221/6	0.02.0
			221/7	0.06.0
			221/8	0.01.0
			221/11	0.01.0 जी.पी
पान्डिचेरी	कारैकल	6, कुरूम्बगरम्	229/6	0.00.5
			229/7	0.08.5
			229/16	0.00.5 जी.पी
			230/1	0.01.0
			230/2	0.00.5
			230/3	0.02.0
			230/7	0.02.5
			230/8	0.08.0
			230/9	0.00.5
			230/11	0.00.5 जी.पी
			233/1	0.03.0
			233/4	0.02.5
			233/5	0.02.5
			233/7	0.03.0
			233/9	0.02.5
			233/10	0.02.5
			234/1	0.02.0
			234.2/ए	0.01.0
			234/2बी	0.01.5
			234/3	0.02.5
			234/4	0.02.5
			234/5	0.12.0
			234/6	0.00.5
			234/7	0.00.5 जी.पी
			215/1	0.01.0 जी.पी
			215/2	0.006.5
			214	0.09.5
			238/3	0.06.5
			238/5	0.03.5
			238/8	0.04.0
			कुल	1.04.0

[फा० सं० एल-14014/33/03-जी०पी०]

स्वामी सिंह, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 10th June, 2004

S.O. 1422.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2384 dated the 12th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through SRCM to GRSL gas pipeline project in the Union Territory of Pondicherry by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 17th September, 2003;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Taluk	Village No. & Name	Survey No.	Area to be Acquired for in Hect.
1	2	3	4	5
Pondy-cherry	Karaikal	5. Nedun-kadu	291/1	0.00.5 GP
			291/2	0.01.5
			291/3	0.01.0
			291/5	0.03.0
			152/2	0.03.5 GP
			151/3	0.01.5 GP
			139/3	0.00.5 GP
			139/4	0.03.0 GP
			140/5	0.04.5
			141/3	0.02.5
			141/1B	0.00.5
			141/2	0.03.0
			141/3	0.05.5
			141/4	0.05.0
			149/2	0.06.5
			149/6	0.01.5 GP
			148/1	0.01.5 GP
			148/4	0.07.0
			167/2	0.05.5
			167/3	0.08.5
			167/4	0.05.0
			170	0.01.5 GP
			173/1	0.03.0
			173/2A	0.03.5
			173/2B	0.06.0
			173/3	0.005
			173/4	0.01.0
			173/5	0.02.0
			173/6	0.06.5
			174/2	0.07.5
			174/3	0.00.5
			179/1	0.10.5
			179/3	0.00.5
			179/5	0.00.5
			193/1	0.03.0
			193/4	0.11.5
			195/3	0.10.5
			195/4	0.01.0
			195/5	0.03.5
			195/6	0.03.0
			194	0.01.5 GP
			91/2	0.02.0

1	2	3	4	5
Pondy-cherry	Karaikal	5. Nedun-kadu	90/1	0.09.0
			90/2	0.00.5 GP
			90/3	0.17.0
			90/4	0.01.0 GP
			89/1	0.00.5 GP
			89/2	0.01.0 GP
			85	0.35.0
			52/1	0.04.5
			52/2	0.04.0 GP
			52/3	0.00.5
			52/5	0.00.5
			53/5	0.11.5
			54	0.01.5 GP
			55/1	0.00.5 GP
			55/3	0.02.0
			55/4	0.12.5
			55/5	0.00.5
			55/6	0.00.5
			58/2A	0.02.5
			58/2B	0.05.5
			59/1	0.01.0 GP
			59/2	0.05.0
			59/3	0.06.0
			62/1	0.06.0
			62/2	0.05.0
			64/1	0.10.0
			64/2	0.07.5
			64/3	0.00.5 GP
			66/3	0.00.5
			66/4	0.05.0
			66/6	0.00.5 GP
			71/1	0.01.0
			71/2A	0.12.0
			68	0.02.0 GP
			TOTAL	3.24.0

1	2	3	4	5
Pondi-cherry	Karai-kal	6. Karum-tagaram	221/6	0.02.0
			221/7	0.06.0
			221/8	0.01.0
			221/11	0.01.0 GP
			229/6	0.00.5
			229/7	0.08.5
			229/16	0.00.5 GP
			230/1	0.01.0
			230/2	0.00.5
			230/5	0.02.0
			230/7	0.02.5
			230/8	0.08.0
			230/9	0.00.5
			230/11	0.00.5 GP
			233/1	0.03.0
			233/4	0.02.5
			233/5	0.02.5
			233/7	0.03.0
			233/9	0.02.5
			233/10	0.02.5
			234/1	0.02.0
			234/2A	0.01.0
			234/2B	0.01.5
			234/3	0.02.5
			234/4	0.02.5
			234/5	0.12.0
			234/6	0.00.5
			234/7	0.00.5 GP
			215/1	0.01.0 GP
			215/2	0.006.5
			214	0.09.5
			238/3	0.06.5
			236/5	0.03.5
			238/8	0.04.0
			TOTAL	1.04.0

[F. No. L-14014/33/2003-G.P]
SWAMI SINGH, Director

नई दिल्ली, 10 जून, 2004

का.आ. 1423.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में दहेज-हजीरा-उरान-दाभोल-बैंगलूर पाइपलाइन परियोजना के माध्यम से पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस.एस. पट्टनशेट्टी, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, सं. 21, पैलेस रोड, माउण्ट कारमेल कॉलेज के सामने, बैंगलोर-560 052 (कर्नाटक) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

राज्य : कर्नाटक **जिला : गदग**

तालूका नाम	ग्राम का नाम	सर्वे सं.	भाग/ हिस्सा सं. (यदि कोई हो)	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
गदग	लक्कुंडी	174		0-36
		सर्वे सं. 174, 150 और 156 के बीच में	रास्ता	0-03
		150		0-08
		156		1-07
		155		3-05
		154		1-15
		158		1-21
		159		1-28
		160		0-38
		सर्वे सं. 160 में	नाला	0-06
		117		2-08
		116		0-20
		253		1-36
		115		0-19
		268		2-25
		269		1-24
		271		2-03
		सर्वे सं. 271, 272 और 265 के बीच में	रास्ता	0-15
		265		2-35
		277		1-05
		सर्वे सं. 277 और 291 के बीच में	राष्ट्रीय राजमार्ग-63	0-07
		291		0-33
		290		0-33
		288		1-03
		287		1-04
		576		1-36
		571		1-10
		570		0-21
		572		1-08
		सर्वे सं. 572 और 539 के बीच में	जलधारा	0-06
		सर्वे सं. 572 और 539 के बीच में	रास्ता	0-02
		539		2-19
		540		0-26
		538		2-02
		537		2-06
		534		1-21
		669		2-02
		670		1-27

1	2	3	4	5
गदग	लक्कुंडी	680		1-16
		679		1-27
		सर्वे सं. 679 और 583 के बीच में	नाला	0-07
		583		2-17
		636		0-01
		625	नाला	2-15
		628		0-12
		624		1-05
		623		1-09
		617		2-37
		616		0-20
मुंडर्गी	चुर्चीहाल	12		3-02
		13		1-16
		सर्वे सं. 13 में	रास्ता	0-04
		14		0-02
		17		1-25
		16		2-26
		सर्वे सं. 16, 34 और 28 के बीच में	बैलगाड़ी रास्ता	0-04
		34		0-06
		28		1-32
		33		2-05
		32		0-25
मुंडर्गी	मेवूंडी	170		0-14
		सर्वे सं. 170 और 171 के बीच में	नाला	0-011
		171		3-10
		179		2-16
		164		0-16
		सर्वे सं. 164 और 180 के बीच में	रास्ता	0-04
		180		2-10
		185		1-34
		219		0-27
		230		1-37
मुंडर्गी	मेवूंडी	217		1-02
		231		0-15
		232		2-31
		233		1-34
		सर्वे सं. 233 और ग्राम सीमा के बीच में	नाला	0-06
मुंडर्गी	हिरेवडवट्टी	नाला		0-06
		110	3	1-07
		109	4	1-22
		112	1	0-03
		108	2	0-03
		113	1	0-26
		113	2	0-16
		113	3	0-17
		114	4	1-10
		114	4 (नाला)	0-13
		116	5	0-17
		118		0-22
		119	1	0-11
		119	2	0-36
		120	2	0-35
		120	4	0-10
		120	5	0-18
		125		1-05
		124		0-02
		126	1	1-03
		126	2	1-10
		127	4	0-03
मुंडर्गी	तॉम्र गुंडी	208		1-32
		158		0-11
		159		3-04
		163		1-05
		161		1-21
		162		2-04
		सर्वे सं. 162 और 148 के बीच में	नाला	0-10
		148		1-32
		144		2-28

1	2	3	4	5
मुंडर्गी	ताँम्रद गुंडी	I43		0-15
		138		1-26
		139		1-02
		140		2-17
		142		0-05
		133		0-03
		132		2-26
		सर्वे सं. 132 और ग्राम सीमा के बीच में	नाला	0-11
मुंडर्गी	बसापुर	ग्राम सीमा और सर्वे सं. 34 के बीच में	नाला	0-6
		34		0-07
		35		1-39
		सर्वे सं. 35 और 36 के बीच में	रास्ता	0-03
		36		0-26
		21		0-24
		37		1-20
		38		1-07
		सर्वे सं. 38 और 17 के बीच में	रास्ता	0-07
		17		1-04
		18		2-23
		सर्वे सं. 18 और ग्राम सीमा के बीच में	नाला	0-08
मुंडर्गी	कलकेरी	163		0-02
		162		0-20
		161		1-08
		160		0-20
		सर्वे सं. 160 में	रास्ता	0-06
		165		0-24
		166		0-17
		167		0-27
		168		0-25
		169		0-25
		170		0-36

1	2	3	4	5
मुंडर्गी	कलकेरी	171		0-38
		172		0-36
		173		1-00
		178		0-20
		179		1-33
		180		1-29
		184		0-30
		187		2-25
		188		0-02
		186		2-00
		185		0-02
		सर्वे सं. 186 और 9 के बीच में	रास्ता	0-08
		9		1-10
मुंडर्गी	बूदीहाल	45		0-07
		44		1-03
		43		0-14
		42		0-13
		41		1-08
		40		0-01
		32		1-32
		सर्वे सं. 32 और 38 के बीच में	जलधारा	0-16
		38		0-01
मुंडर्गी	तिप्पापुरा	60		0-18
		सर्वे सं. 60 और 58 के बीच में	रास्ता	0-11
		58		0-10
		59		1-10
		1		2-08
		2		0-38
		3		1-13
		4		1-35
		5		0-31
		सर्वे सं. 4 और 14 के बीच में	बैलगाड़ी रास्ता	0-05
		14		0-23

1	2	3	4	5
मुंडर्गी	तिप्पापुरा	सर्वे सं. 14 और 38 के बीच में	नाला	0-12
		38		1-00
		37		1-19
		36		1-21
		35		0-03
मुंडर्गी	कोलंहल्ली	290		1-10
		291		0-27
		292		0-35
		293		0-11
		294		1-31
		283		0-22
		282		2-27
		295		1-04
		296		0-03
		278		1-25
		सर्वे सं. 278 में	रास्ता	0-08
		277		0-23
		276		0-34
		275		0-29
		260		1-01
		259		1-17
		सर्वे सं. 259 और 258 के बीच में	ड्रैन	0-02
		सर्वे सं. 259 और ग्राम सीमा के बीच में	नाला	0-23
		258		0-01
		सर्वे सं. 259 और 258 के बीच में	रास्ता	0-07
		256		0-01
		91		0-10
		90		2-30
		87		1-04
		सर्वे सं. 87 और 88 के बीच में	रास्ता	0-04
मुंडर्गी	कोलंहल्ली	88		2-13
		83		0-01
		82		1-30
		सर्वे सं. 82 और 171 के बीच में	नाला	0-11
		171		1-22
		170		0-34
		सर्वे सं. 169 में	रास्ता	0-03
		169		0-31
		166		0-29
		165		0-32
		164		1-01
मुंडर्गी	बिडनाल	ग्राम सीमा और नाला के बीच में	रास्ता	0-02
		ग्राम सीमा और सर्वे सं. 192 के बीच में	नाला	1-06
		192		0-05
		1		1-23
		सर्वे सं. 1 और 2 के बीच में	नाला	0-06
		2		0-20
		5		1-14
		7		0-34
मुंडर्गी	गंगापुरा	33		1-10
		सर्वे सं. 33 में	नाला	0-07
		84		0-37
		85		0-27
		86		0-24
		87		1-05
		88		1-21
		सर्वे सं. 88 और 14 के बीच में	नाला	0-09
		14		2-05
		15		0-05
		सर्वे सं. 14 और 19 के बीच में	बेलगाड़ी रास्ता	0-04

1	2	3	4	5
मुंडर्गी	गंगापुरा	19		1-05
		32		0-11
		सर्वे सं. 32 में	रास्ता	0-04
		9		2-33
		सर्वे सं. 9 में	रास्ता	0-07
		10		0-01
		7		1-10
मुंडर्गी	सेरनहल्ली	23		0-12
		12		0-20
		सर्वे सं. 11 में	रास्ता	0-07
		11		0-13
		10		0-17
		15		1-21
		14		0-04
		17		0-14
		29		0-06
		30		0-01
		2		1-08
		सर्वे सं. 2 में	रास्ता	0-06
		1		0-16
		32		0-15
		33		0-09
		36		0-16
		37		0-12
		39		0-10
		40		0-12
		41		0-09
		42		0-10
		43		0-08
		44		0-20
		47		0-10
		48		0-17
		50		0-11
		51		0-11
मुंडर्गी	सेरनहल्ली	54		0-22
		55		0-21
		58		0-19
		59		0-21
मुंडर्गी	सिंगटालूर	26		0-18
		25		0-16
		24		0-21
		22		0-31
		21		0-13
		20		0-18
		19		1-00
		सर्वे सं. 19 और 18 के बीच में	ग्राम भूमी	0-02
		18		0-10
		17		0-14
		50		0-14
		सर्वे सं. 50 और 13 के बीच मे	बैलगाड़ी रास्ता	0-08
		13		1-16
		12		2-30
		97		1-07
		96		0-18
		95		0-29
		94		0-02
		103		0-14
		93		1-07
		88		2-10
		87		0-29
		80		1-29
		79		0-24
		65	नदी	3-03

[फा. सं. एल-14014/5/04-जी. पी.]

स्वामी सिंह, निदेशक

New Delhi, the 10th June, 2004

S.O. 1423.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Gas through Dahej—Hazira—Uran—Dabhol—Bangalore Pipeline Project in the State of Karnataka, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.S. Pattanashetti, Competent Authority, GAIL (India) Limited, No. 21 Palace Road, Opposite Mount Carmel College, Bangalore-560052 (Karnataka).

SCHEDULE

State : Karnataka District : Gadag

Name of the Taluk	Name of the Village	Survey No.	Hissa No.	Area to be acquired for ROU in hectare
1	2	3	4	5
Gadag	Lakkundi	174		0-36
		In Bet. Svy. No. 174, 150 156	Road	0-03
		150		0-08
		156		1-07
		155		3-05
		154		1-15
		158		1-21
		159		1-28
		160		0-38
		In Svy. No. 160	Nala	0-06
		117		2-08
		116		0-20
		253		1-36
		115		0-19
		268		2-25
		269		1-24
		271		2-03
		In Bet. Svy. No. 271, 272 265	Road	0-15
		265		2-35
		277		1-05
		In Bet. Svy. No. 277 and 291	NH-63	0-07
		291		0-33
		290		0-33
		288		1-03
		287		1-04
		576		1-36
		571		1-10
		570		0-21
		572		1-08
		In Bet. Svy. No. 572 539	Stream	0-06
		In Bet. Svy. No. 572 539	Road	0-02
		539		2-19
		540		0-26
		538		2-02
		537		2-06
		534		1-21
		669		2-02
		670		1-27
		680		1-16
		679		1-27
		In Bet. Svy. No. 679 583	Nala	0-07
		583		2-17
		626		0-01

1	2	3	4	5
Gadag	Lakkundi	625		2-15
		628		0-12
		624		1-05
		623		1-09
		617		2-37
		616		0-20
Mundargi	Churchihal	12		3-02
		13		1-16
		In Svy. No. 13	Road	0-04
		14		0-02
		17		1-25
		16		2-26
		In Bet. Svy. No. 16, 34	Cart Track	0-04
		28		
		34		0-06
		28		1-32
		33		2-05
		32		0-25
	Mevundi	170		0-14
		In Bet. Svy. No. 170	Nala	0-11
		171		
		171		3-10
		179		2-16
		164		0-16
		In Bet. Svy. No. 164	Road	0-04
		180		
		180		2-10
		185		1-34
		219		0-27
		230		1-37
		217		1-02
		231		0-15
		232		2-31
		233		1-34
		In Bet. Svy. No. 233 V.B.	Nala	0-06
Mundargi	Hireva-davatti	Nala		0-06
		110	3	1-07
		109	4	1-22
		112	1	0-03
		108	2	0-03
		113	1	0-26
		113	2	0-16
		113	3	0-17
		114	4	1-10
		114	4 (Nala)	0-13
		116	5	0-17
		118		0-22
		119	1	0-11
		119	2	0-36
		120	2	0-35
		120	4	0-10
		120	5	0-18
		125		1-05
		124		0-02
		126	1	1-03
		126	2	1-10
		127	4	0-03
	Tamrada-gundi	208		1-32
		158		0-11
		159		3-04
		163		1-05
		161		1-21
		162		2-04
		In Bet. Svy. No. 162	Nala	0-10
		148		
		148		1-32
		144		2-28
		143		0-15
		138		1-26
		139		1-02
		140		2-17
		142		0-05
		133		0-03

1	2	3	4	5
Mundargi	Tamrada-gundi	132		2-26
		In Bet. Svy. No. 132 and VB	Nala	0-11
	Basapur	In Bet. VB and Svy. No. 34	Nala	0-06
		34		0-07
		35		1-39
		In Bet. Svy. No. 35 & 36	Road	0-08
		36		0-26
		21		0-24
		37		1-20
		38		1-07
		In Bet. Svy. No. 38 & 17	Road	0-07
		17		1-04
		18		2-23
		In Bet. Svy. No. 18 & VB	Nala	0-08
	Kalkeri	163		0-20
		162		0-20
		161		1-08
		160		0-20
		In Svy. No. 160	Road	0-06
		165		0-24
		166		0-17
		167		0-27
		168		0-25
		169		0-25
		170		0-36
		171		0-38
		172		0-36
		173		1-00
		178		0-20
		179		1-39
		180		1-29
		184		0-30
		187		2-25
		188		0-02
		186		2-00
		185		0-02
		In Bet Svy. No. 186 and 9	Road	0-08
		9		1-10
Mundargi	Budihal	45		0-07
		44		1-03
		43		0-14
		42		0-13
		41		1-08
		40		0-01
		32		1-32
		In Bet. Svy. No. 32 38	Stream	0-16
		38		0-01
	Thippa-pura	60		0-18
		In Bet. Svy. No. 60 58	Road	0-11
		58		0-10
		59		1-10
		1		2-08
		2		0-38
		3		1-13
		4		1-35
		5		0-31
		In Bet. Svy. No. 4 and 14	Cart Track	0-05
		14		0-28
		In Bet. Svy. No. 14 and 38	Nala	0-12
		38		1-00
		37		1-19
		36		1-28
		35		0-08
	Kadaholli	290		1-10
		291		0-27
		292		0-35
		293		0-11
		294		1-31
		283		0-22
		282		2-27
		295		1-04
		296		0-03
		278		1-22

1	2	3	4	5
Mundargi	Korlahalli	In Svy. No. 278	Road	0-08
		277		0-23
		276		0-34
		275		0-29
		260		1-01
		259		1-17
		In Bet. Svy. No. 259 and 258	Drain	0-02
		In Bet. Svy. No. 259 and V.B.	Nala	0-23
		258		0-01
		In Bet. Svy. No. 259 and 258	Road	0-07
		256		0-01
		91		0-10
		90		2-30
		87		1-04
		In Bet. Svy. No. 87 and 88	Road	0-04
		88		2-13
		83		0-01
		82		1-30
		In Bet. Svy. No. 82 and 171	Nala	0-11
		171		1-22
		170		0-34
		In Svy. No. 169	Road	0-03
		169		0-31
		166		0-29
		165		0-32
		164		1-01
	Bidanala	In Bet. VB and Nala	Road	0-02
		In Bet VB and Svy. No. 192	Nala	1-06
		192		0-05
		1		1-23
		In Bet. Svy. No. 1 and 2	Nala	0-06
		2		0-20
		5		1-14
		7		0-34
		33		1-10
		In Svy. No. 33	Nala	0-07
		84		0-37
		85		0-27
		87		1-45
		88		1-21
		In Bet. Svy. No. 88 & 14	Nala	0-09
		14		2-05
		15		0-05
		In Svy. No. 14 & 19	Cart Track	0-04
		19		1-05
		32		0-11
		In Svy. No. 32	Road	0-04
		9		2-33
		In Svy. No. 9	Road	0-07
		10		0-01
		7		1-10
	Seranahalli	23		0-12
		12		0-20
		In Svy. No. 11	Road	0-07
		11		0-13
		10		0-17
		15		1-21
		14		0-04
		17		0-14
		29		0-06
		30		0-01
		2		1-08
		In Svy. No. 2	Road	0-06
		1		0-16
		32		0-15
		33		0-09
		36		0-16
		37		0-12
		39		0-10
		40		0-12
		41		0-09

1	2	3	4	5
Mundargi	Semnahalli	42		0-10
		43		0-08
		44		0-20
		47		0-10
		48		0-17
		50		0-11
		51		0-11
		54		0-22
		55		0-21
		58		0-19
		59		0-21
	Singa-talur	26		0-18
		25		0-16
		24		0-21
		22		0-31
		21		0-13
		20		0-18
		19		1-00
		In Bet. Svy. No. 19 and 18	Village land	0-02
		18		0-10
		17		0-14
		50		0-14
		In Bet. Svy. No. 50 and 13	Cart Track	0-08
		13		1-16
		12		2-30
		97		1-07
		96		0-18
		95		0-29
		94		0-02
		103		0-14
		93		1-07
		88		2-10
		87		0-29
		80		1-29
		79		0-24
		In Bet. Svy. No. 79 and VB	River	3-03

[F. No. L-14014/5/2004-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 10 जून, 2004

का.आ. 1424.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में दहेज-इजीरा-उधना-दाभोल-बैंगलूर पाइपलाइन परियोजना के माध्यम से पैट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस.एस. पट्टनशेट्टी, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, सं. 21, पैलेस रोड़, माउण्ट कारमेल कॉलेज के सामने, बैंगलूर-560 052 (कर्नाटक) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

राज्य : कर्नाटक जिला : धारवाड़

तालूका का नाम	ग्राम का नाम	सर्वे सं.	हिस्सा सं (यदि कोई हो)	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल हेक्टेयर में)
1	2	3	4	5
हुबिन-हडगली	नविले	4	ए	0-02
		4	बी1	1-17
		3	ए2	0-11
		3	बी	0-23
		3	6	0-15
		14	ए	0-14
		14	बी	0-10
		15	1	0-07

1	2	3	4	5
हूविन-हडगली	नविले	15	2	0-08
		16		0-12
		17	ए	0-06
		17	बी	0-03
		17	सी	0-04
		18	ए	0-23
		22	ए	0-11
		21	ए1	0-06
		21	बी1	0-06
		26	ए 1	0-14
		27	बी	0-07
		29	ए	0-10
		29	बी	0-07
		30		0-12
		31	ए	0-14
		31	बी	0-11
		33		0-12
		40	ए	1-11
		42	ए	1-31
		43		0-25
		42	बी	0-03
		53	ए 2	0-01
		53	ए/3ए	0-28
		53	ए/3 बी	0-29
		55	बी	0-02
		53	बी	0-19
		54	ए	0-12
		54	बी	0-14
		54	सी	0-17
		72	ए	0-19
		72	बी/1	0-06
		72	बी/2	0-17
		73	ए 1	0-13
		73	ए 2	0-08
		73	बी 1	0-12
		73	बी 2	0-16
		74	ए	0-20
		74	बी	0-20
		75		1-01
		76	ए/2	0-03
	हूविन-हडगली	4	ए	0-03
		4	बी 1	0-28
		5	ए	0-19
		5	बी	0-22
		46		1-12
		47	ए	1-19
		47	बी	0-01
		49		0-01
		50	बैलगाड़ी रास्ता	0-05
		51		0-01
		52	बी	1-11
		52	सी	0-02
		53	सी	0-16
		53	ए	0-02
		53	डी	0-22
		54	सी/1	0-03
		54	सी/2	0-34
		55	बी/1	0-28
		56	ए	0-16
		56	बी	0-17
		56	एफ/3	0-07
		56	एफ/2	0-17
		56	जी	0-07
		92	बी	0-14
		93		0-18
		94	ए	0-17
		94	बी	0-10
		94	सी	0-11
		96	ए	0-01
		96	बी	0-39
		96	सी	0-01

1	2	3	4	5
हूविन-हडगली	नविले	126		0-01
		127		0-01
		128		0-12
		149		0-01
		150		0-02
		151		0-02
		152	ए	1-06
		152	बी	0-31
		153		0-01
		201		2-03
		202		0-02
		203		0-22
		200		0-29
		199	2/2	0-22
		199	2/3	0-02
		198	ए	0-11
		198	बी	0-03
		207		2-05
		208	ए	0-22
		209		0-02
		208	बी	0-03
		210		1-03
		193	नाला	0-05
		187	ए	0-25
		187	बी	0-35
		190		0-08
		189	ए	0-39
		191	ए	0-01
		191	बी	0-32
		182	रास्ता	0-07
		235	ए	0-24
		236	ए	1-07
		239		1-12
		238		0-09
		245		2-04
		252	रास्ता	0-12
		263		0-33
हूविन-हडगली	देवगोडन-हल्ली	ग्राम सीमा और सर्वे सं. 40 के बीच में	रास्ता	0-03
		40		0-01
		41	ए	0-24
		41	बी/1	0-35
		41	बी/2	0-01
		42		0-34
		43		0-06
		44	ए	0-11
		44	बी	0-25
		45		0-31
		48		1-28
		78	सी/3	0-03
		78	सी/2	0-04
		77		0-07
		78	सी/4	0-04
		79	बी	0-05
		81		0-01
		80		0-06
		337		1-30
		336		1-08
		345		0-01
		344		0-08
		343	ए	0-07
		343	सी	0-06
		342	ए	0-13
		342	बी	0-15
		342	सी	0-13
		341	1	0-27
		341	2	0-24
		340	ए	0-21
		340	सी	0-03
		346		0-14
		347	बी	0-03
		347	सी	0-11
		396	रास्ता	0-04
		396		0-18

1	2	3	4	5
हूविन-हडगली	देवगोंडन-हल्ली	348	सी	0-26
		352	सी	0-15
		353	सी	0-01
		399	जलधारा	0-04
		405	ए	0-18
		405	बी	0-28
		395	ए	0-04
		395	बी	0-27
		391	ए/1	0-27
		391	बी	0-16
		390	ए	0-04
		390/ए 390/बी/1	नाला	0-04
		390	बी/1	1-21
		389		2-00
	हुगलूरु-	165		1-31
		164	ए	0-22
		193	ए/1	1-00
		193	ए/2	1-27
		153	ए	0-24
		153	बी	1-06
		154	सी	0-03
		152	सी/1	0-26
		152	सी/2	0-10
		151	ए	0-14
		147		0-38
		146	ए	1-05
		146	बी	0-28
		145		0-03
		144	ए	1-12
		112	बैलगाडी रास्ता	0-03
		113		0-01
		114	ए	0-37
		114	बी	0-37
		110	जलधारा	0-06

1	2	3	4	5
हूविन-हडगली	हुगलूरु-	100		0-16
		94		0-28
		98		0-09
		95	ए	0-22
		95	बी	1-01
		96		1-08
		107	रास्ता	0-06
		80		1-02
		83	बी	0-01
		81	बी	0-36
		67		1-17
		68	ए	1-04
		68	बी	0-10
		66	जलधारा	0-04
		53		1-21
		54	ए	0-28
		54	बी	0-16
		54	सी	0-05
		54	डी	0-03
		55	सी	0-32
		56	ए	0-33
	सोगी	373	ए	0-38
		374	बी	1-02
		480		1-02
		481		0-27
		484		0-18
		477		0-07
		475	ए/2	0-03
		475	बी	0-20
		474	ए	0-05
		473		1-22
		450	2	0-10
		450	1(बैलगाडी) रास्ता	0-04
		449		0-31
		453	ए	0-37
		453	बी	0-18

1	2	3	4	5
हुबिन-हडगली	खेती	447	सी/2	0-36
		447	सी/3	0-02
		454	ए	0-21
		454	बी	0-01
		446	ए	0-31
		446	सी	0-35
		442	(बैलगाडी) रास्ता	0-05
		441		0-13
	वरकनहल्ली	2		0-38
		3		1-18
		8	ए	0-31
		8	सी	0-34
		9		0-20
		10	1	0-05
		10	2	0-09
		11		0-21
		12	ए	0-12
		12	बी	1-03
		27	सी	0-17
		28		2-11
		29		1-17
		114		0-34
		113		1-07
	वरकनहल्ली	सर्वे सं. 113 और 93 के बीच में	रास्ता	0-05
		93		0-39
		92		0-38
		91		0-20
		90		0-31
		89		0-29
		88		1-15
		87		1-00
		85	बी	0-27
		85	सी	0-24
		83		1-18
		68		3-00
		123	बी	1-00
	अडवी मल्लनकेरी	120		0-39
		121		0-27
		130	बी	0-07
		119		0-02
		131		1-22
		134		1-16
		135	ए	0-01
		133		0-38
		139		1-09
		141		0-06
		142	रास्ता, नाला	0-12
		143		0-01
		146	ए	0-29
		146	बी	1-03
		155		1-05
		157		0-26
		158	ए	0-15
		158	सी	0-16
		159		0-05
		156	बैलगाडी रास्ता	0-07
		51		1-10
		49		0-08
		50		1-09
		43		0-17
		43	रास्ता	0-09
		21		4-16

[फा. सं. एल-14014/5/04-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 10th June, 2004

S.O. 1424.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Gas through Dahej—Hazira—Uran—Dabhol—Bangalore Pipeline Project in the State of Karnataka, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipline, it is necessary to acquire the right of user in the land under which the said pipline is proposed to be laid and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.S. Pattanashetti, Competent Authority, GAIL (India) Limited, No. 21 Palace Road, Opposite Mount Carmel College, Bangalore-560052 (Karnataka).

SCHEDULE

State : Karnataka — District : Bellary

Name of the Taluk	Name of the village	Survey No.	Hissa No.	Area to be acquired for ROU in hectare
1	2	3	4	5
Huvina-hadagali	Navile	4	A	0-02
		4	B1	1-17
		3	A2	0-11
		3	B	0-23
		3	6	0-15
		14	A	0-14
		14	B	0-10
		15	1	0-07
		15	2	0-08
		16		0-12
		17	A	0-06
		17	B	0-03
		17	C	0-04
		18	A	0-23
		22	A	0-11
		21	A1	0-06
		21	B1	0-06
		26	A1	0-14
		27	B	0-07
		29	A	0-10
		29	B	0-07
		30		0-12
		31	A	0-14
Huvina-hadagali	Navile	31	B	0-11
		33		0-12
		40	A	1-11
		42	A	1-31
		43		0-25
		42	B	0-03
		53	A2	0-01
		53	A/3A	0-28
		53	A/3 B	0-29
		55	B	0-02
		53	B	0-19
		54	A	0-12
		54	B	0-14
		54	C	0-17
		72	A	0-19
		72	B/1	0-06
		72	B/2	0-17
		73	A/1	0-13
		73	A/2	0-08
		73	B1	0-12
		73	B2	0-16
		74	A	0-20
		74	B	0-20
		75		1-01
		76	A/2	0-03
	Huvina-hadagali	4	A	0-03
		4	B1	0-28
		5	A	0-19
		5	B	0-22
		46		1-12
		47	A	1-19
		47	B	0-01
		49		0-01
		50	Cart Track	0-05
		51		0-01
		52	B	1-11
		52	C	0-02
		53	C	0-16
		53	A	0-02

1	2	3	4	5
Huvina-hadagali	Huvina-hadagali	53	D	0-22
		54	C/1	0-03
		54	C/2	0-34
		55	B/1	0-28
		56	A	0-16
		56	B	0-17
		56	F/3	0-07
		56	F/2	0-17
		56	G	0-07
		92	B	0-14
		93		0-18
		94	A	0-17
		94	B	0-10
		94	C	0-11
		96	A	0-01
		96	B	0-39
		96	C	0-01
		126		0-01
		127		0-01
		128		0-12
		149		0-01
		150		0-02
		151		0-02
		152	A	1-06
		152	B	0-31
		153		0-01
		201		2-03
		202		0-02
		203		0-22
		200		0-29
		199	2/2	0-22
		199	2/3	0-02
		198	A	0-11
		198	B	0-03
		207		2-05
		208	A	0-22
		209		0-02
		208	B	0-03
		210		1-03
		193	Nala	0-05
Huvina-hadagali	Huvina-hadagali	187	A	0-25
		187	B	0-35
		190		0-08
		189	A	0-39
		191	A	0-01
		191	B	0-32
		182	Road	0-07
		235	A	0-24
		236	A	1-07
		239		1-12
		238		0-09
		245		2-04
		252	Nala	0-12
		263		0-33
	Devgonda-Nahalli	In Bet. V.B. and Sy. No. 40	Road	0-03
		40		0-01
		41	A	0-24
		41	B/1	0-35
		41	B/2	0-01
		42		0-34
		43		0-06
		44	A	0-01
		44	B	0-25
		45		0-31
		48		1-28
		78	C/3	0-03
		78	C/2	0-04
		77		0-07
		78	C/4	0-04
		79	B	0-05
		81		0-01
		80		0-06
		337		1-30
		336		1-08
		345		0-01
		344		0-08
		343	A	0-07
		343	C	0-06

1	2	3	4	5
Huvinaha-hadagali	Devgonda-Nahalli	342	A	0-13
		342	B	0-15
		342	C	0-13
		341	1	0-27
		341	2	0-24
		340	A	0-21
		340	C	0-03
		346		0-14
		347	B	0-03
		347	C	0-11
		396	Road	0-04
		396		0-18
		348	C	0-26
		352	C	0-15
		353	C	0-01
		399	Stream	0-04
		405	A	0-18
		405	B	0-28
		395	A	0-04
		395	B	0-27
		391	A/1	0-27
		391	B	0-16
		390	A	0-04
		390/A, 390/B/1	Nala	0-04
		390	B/1	1-21
		389		2-00
	Hugaluru	165		1-31
		164	A	0-22
		193	A/1	1-00
		193	A/2	1-27
		153	A	0-24
		153	B	1-06
		154	C	0-03
		152	C/1	0-26
		152	C/2	0-10
		151	A	0-14
Huvinaha-hadagali	Hugaluru	147		0-38
		146	A	1-05
		146	B	0-28
		145		0-03
		144	A	1-12
		112	Cart Track	0-03
		113		0-01
		114	A	0-37
		114	B	0-37
		110	Stream	0-06
		100		0-16
		94		0-28
		98		0-09
		95	A	0-22
		95	B	1-01
		96		1-08
		107	Road	0-06
		80		1-02
		83	B	0-01
		81	B	0-36
		67		1-17
		68	A	1-04
		68	B	0-10
		66	Stream	0-04
		53		1-21
		54	A	0-28
		54	B	0-16
		54	C	0-05
		54	D	0-03
		55	C	0-32
		56	A	0-33
	Sogi	373	A	0-38
		374	B	1-02
		480		1-02
		481		0-27
		484		0-18
		477		0-07

1	2	3	4	5
Huvina-hadagali	Sogi	475	A/2	0-03
		475	B	0-20
		474	A	0-05
		473		1-22
		450	2	0-10
		450	1 (Cart Track)	0-04
		449		0-31
		453	A	0-37
		453	B	0-18
		447	C/2	0-36
		447	C/3	0-02
		454	A	0-21
		454	B	0-01
		446	A	0-31
		446	C	0-35
		442	Cart Track	0-05
		441		0-13
	Varakanahalli	2		0-38
		3		1-18
		8	A	0-31
		8	C	0-34
		9		0-20
		10	1	0-05
		10	2	0-09
		11		0-21
		12	A	0-12
		12	B	1-03
		27	C	0-17
		28		2-11
		29		1-17
		114		0-34
		113		1-07
		In bet. Sy. No. 113 and 93	Road	0-05
		93		0-39
		92		0-38
		91		0-20
		90		0-31
		89		0-29
		88		1-15
		87		1-00
		85	B	0-27
		85	C	0-24
		83		1-18
		68		3-00
	Adavi Malla-nakeri	123	B	1-00
		120		0-39
		121		0-27
		130	B	0-07
		119		0-02
		131		1-22
		134		1-18
		135	A	0-01
		133		0-38
		139		1-09
		141		0-06
		142	Road, Nala	0-12
		143		0-01
		146	A	0-29
		146	B	1-03
		155		1-05
		157		0-26
		158	A	0-15
		158	C	0-16
		159		0-05
		156	Cart Track	0-07
		51		1-10
		49		0-08
		50		1-09
		43		0-17
		43	Road	0-09
		21		4-16

[F. No. L-14014/5/2004-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 10 जून, 2004

का.आ. 1425.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में दहेज-हजीरा-उरान-दाभोल-बैंगलूर पाइपलाइन परियोजना के माध्यम से पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत:, अब, केन्द्रीय सरकार, पेट्रोलियम और खजिन पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस.एस. पट्टनशेट्टी, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, सं. 21, पैलेस रोड़, बैंगलोर-560 052 (कर्नाटक) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

राज्य : कर्नाटक जिला : तुमकूर

तालूका नाम	ग्राम का नाम	सर्वे सं.	भाग/ हिस्सा सं. (यदि कोई हो)	उ. का.अ. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
सिरा	गणद हुणसी	18		0-12
		19		2-10
		20		1-26
		21		2-22
		23		2-35
		24		0-22
		38		4-02
		सर्वे सं. 39 में	रास्ता	0-07
		39		2-19
		36		1-03
		सर्वे सं. 36 में	नाला	0-03
		35		1-21
		34		1-31
		31		3-16
	जी. रंगनहल्ली	26		0-34
		25		0-13
		28		2-36
		29		2-03
		23		1-01
		22		0-38
		20		0-06
		21		2-01
		18		0-24
		19		0-12
		10		2-17
		सर्वे सं. 10 में	नाला	0-09
		11		1-20
				0-09
		सर्वे सं. 11 में	नाला	0-12
		12		1-36
	देवरपुर	51		2-01
		49		1-25
		46		0-38
		47		1-06
	श्यागदडवी	47		0-21
		46		3-22
		39		0-01
		44		0-21
		40		1-31
		42		0-08
		41		0-39
		12		0-35
		13		1-02
		19		1-00

1	2	3	4	5
सिरा	श्यागदडवी	20		0-11
		10		0-31
		21		1-23
		सर्वे सं. 21 और 8 के बीच में	बैलगाडी रास्ता	0-07
		8		0-33
		सर्वे सं. 8 में	रास्ता	0-08
	गिड्डन-हल्ली	41		0-06
		53		1-21
		40		0-39
		76		0-27
	दोड्डाल-दमड्डु	45		0-28
		41		2-30
		42		0-22
		43		2-06
		17		0-37
		10		1-34
		15		1-08
		11		0-04
		13		2-00
		सर्वे सं. 13 और ग्रामसीमा के बीच में	नाला	0-09
	मंगनहल्ली	सर्वे सं. 4 में	नाला	0-07
		4		1-15
		5		0-14
		7		2-03
		8		0-10
		11		1-18
	चिक्कसमुद्र-कावलु	2		0-30
	हुयिलदोरे	42		1-04
		43		0-37
		44		0-37
		45		0-37
		46		0-33
		सर्वे सं. 46 में	रास्ता	0-04

1	2	3	4	5
सिरा	हुयिलदोरे	55		0-36
		56		2-21
		57		2-24
		60		1-31
		सर्वे सं. 60 और 61 के बीच में	रास्ता	0-09
		61		0-28
		73		3-10
		72		0-31
		63		1-02
		64		3-39
		67		2-04
		68		2-38
		69		2-31
		70		1-07
	होन्नेनहल्ली	62		4-07
		59		1-00
	गुड्डद रंगनहल्ली	8		0-31
		10		1-31
		9		1-25
		13		2-12
		सर्वे सं. 13 में	रास्ता	0-04
		2		0-30
		18		2-31
		17		3-06
	चड्डनहल्ली	70		3-37
		60		3-33
		57		3-33
		58		0-04
		56		0-06
		54		1-04
		55		5-15
		सर्वे सं. 55 में	नाला	0-08
	अग्रहार	271		0-08
		253		2-12
		सर्वे सं. 253 और 259 में	नाला	0-14

1	2	3	4	5
सिरा	अग्रहार	259		0-33
		255		1-06
		257		0-39
		256		1-11
		249		1-34
		248		0-10
	पुणजहल्ली	12		1-07
	मालनहल्ली	1		1-27
		25		2-00
		26		1-39
		27		1-22
		28		0-15
	चिक्क अग्रहार	89		1-32
		90		0-09
		91		1-22
		सर्वे सं. 91 में	रास्ता	0.03
		86		1-25
		सर्वे सं. 86 और 97 के बीच में	नाला	0-24
		97		1-30
		98		1-08
		99		1-31
		सर्वे सं. 99 में	रास्ता	0-04
		101		0-06
	बटगेनहल्ली	34		2-02
		37		0-06
		33		0-17
		53		2-10
		8		0-11
		27		2-19
		28		0-12
		सर्वे सं. 28 ग्राम सीमा के बीच में	नाला	0-07

1	2	3	4	5
सिरा	होसबीजेनबेल्ला	34		0-12
		35		0-33
		33		2-22
		32		0-09
		29		1-01
		28		1-08
		27		6-08
		सर्वे सं. 27 में	रास्ता	0-03
		25		0-01
		11		5-05
	चिक्क गिरेनहल्ली	4		0-10
		3		3-19
		सर्वे सं. 3 में	नाला	0-07
		16		0-37
		1		0-39
		11		1-26
		सर्वे सं. 11 में	जलधारा	0-09
		12		0-31
		13		1-19
		सर्वे सं. 13 में	जलधारा	0-11
गुब्बी	देवरहल्ली	ग्रामसीमा और सर्वे सं. 70 के बीच में	नाला	0-22
		70		0-27
		69		0-22
		68		0-10
		सर्वे सं. 68 और 74 के बीच में	रास्ता	0-14
		74		1-22
		78		0-07
		73		0-38
		79		1-24
		80		0-12
गुब्बी	तोगरि गुंटे	ग्रामसीमा और सर्वे सं. 47 के बीच में	नाला	0-12
		47		0-13
		43		1-10
		सर्वे सं. 42 में	रास्ता	0-05
		42		1-27
		40		3-03
		39		2-16

1	2	3	4	5
गुब्बी	रेवनाल	14		1-01
		13		1-23
		12		1-21
		10		1-25
		66		0-29
		65		1-06
		64		1-39
		सर्वे सं. 64 में	रास्ता	0-05
		59		6-07
		58		0-17
	होत्रेनहल्ली	21		0-23
		23		0-09
		4		2-34
		सर्वे सं. 4 और 3 के बीच में		0-05
		सर्वे सं. 3 में	रास्ता	0-01
		3		1-10
		2		1-23
		11		2-24
	कुरुबरहल्ली	4		1-08
	कल्लुगुडी	41		2-12
		42		0-02
		40		2-07
		32		2-35
		33		2-01
		34		0-29
		12		0-10
		29		0-07
		13		2-34
		सर्वे सं. 13 में	रास्ता	0-02
		15		0-01
		10		0-23
		16		2-29
		17		0-20
		8		1-18
		19		5-21
गुब्बी	नल्लूरु	55		3-24
		सर्वे सं. 55 में	नाला	0-05
		59		2-00
		सर्वे सं. 59 और 58 के के बीच में	रास्ता	0-05
		58		1-02
		70		1-22
		71		0-16
		72		1-36
		67		0-20
		106		0-35
		107		0-38
		108		1-20
		सर्वे सं. 108 में	रास्ता	0-08
		109		1-24
		115		1-20
		121		1-19
		135		1-26
		136		2-14
		139		1-33
		138		0-33
		140		3-15
		144		0-11
	तोणचनहल्ली	12		0-01
		11		1-14
		4		0-35
		1		0-35
		2		0-01
		51		1-06
		50		0-38
		49		1-22
		47		0-14
		सर्वे सं. 47 में	रास्ता	0-04
		48		0-16

1	2	3	4	5
गुब्बी	सातेनहल्ली	21		3-01
		सर्वे सं. 21 में	नाला	0-09
		19		1-26
		20		0-24
		23		0-01
		24		0-22
		25		0-38
		41		0-05
		26		0-30
		40		1-19
		39		0-02
		सर्वे सं. 40 39 और 38 के बीच में	रास्ता	0-07
		38		1-09
		36		0-07
		33		0-01
		35		0-05
		34		1-08
	इरकसंद्र	109		1-22
		110		1-00
	नंदीहल्ली	42		0-33
		40		1-05
		33		0-14
		38		0-23
		34		0-19
		32		1-06
		31		1-00
		30		0-14
		29		0-18
		28		1-00
		24		1-00
		25		0-17
	चंदगेरे	45		0-31
		46		0-37
		47		0-25
		12		0-16
		13		0-09
		14		0-11
		16		0-27

1	2	3	4	5
गुब्बी	चंदगेरे	18		0-12
		20		0-33
		22		0-35
		23		0-25
		सर्वे सं. 23 में	नाला	0-02 1-07
		सर्वे सं. 26 में	रास्ता	0-03
		25		0-34
		24		0-02
	कग्गेरे	16		0-02
		18		0-33
	मणीमारी अमृत कावल	131		0-01
		130		0-35
		117		1-08
		118		0-01
		116		0-07
		115		0-38
		104		1-00
		105		0-01
		101		0-08
		98		0-34
		99		0-37
		70		0-03
		1		15-24
		86		1-03
		87		0-28
		सर्वे सं. 87 में	रास्ता	0-04
		88		0-38
		90		0-23
		सर्वे सं. 1 में	रास्ता	0-03
		सर्वे सं. 1 में	रास्ता	0-08
		सर्वे सं. 1 में	जलधारा	0-01
		182		0-01
		181		1-03
		180		0-11

1	2	3	4	5
गुब्बी	मणीकारीन गडी कावल	15		2-01
		14		2-32
		5		0-01
		सर्वे सं. 6 में	वितरक नदी	0-06
		6		0-24
	बोरगोंडनहल्ली	12		0-37
		सर्वे सं. 9 में	नाला	0-02
		9		1-07
		10		0-22
		6		2-09
		5		0-02
तुमकूर	असलीपुरा	48		0-25
		47		1-25
		45		1-18
	कग्गेरी	11		0-09
		10		1-18
		सर्वे सं. 10 में	रास्ता	0-07
		सर्वे सं. 10 और 12 के बीच में	नाला	0-02
		12		2-13
		26		1-19
		27		0-08
		24		1-03
		23		0-01
		30		0-06
		31		0-35
		29		0-21
		33		0-05
		34		0-15
	गौडीहल्ली	24		0-34
		25		0-07
		23		0-01
		22		1-00
		20		0-01
		सर्वे सं. 22 में	नाला	0-02

1	2	3	4	5
तुमकूर	नारवंगल	76		1-05
		96		1-31
		97		0-12
		98		1-[illegible]
		92		0-[illegible]
		सर्वे सं. 92 और 127 के बीच में	बैलगाडी रास्ता	0-13
		127		2-17
		125		0-25
		सर्वे सं. 125 और 128 के बीच में	रास्ता	0-04
		128		0-19
		सर्वे सं. 128 और	वितरक नदी	0-02
		130		0-25
		132		1-03
		134		0-04
		133		1-31
		सर्वे सं. 133 में	वितरक नदी	0-05
		4		0-25
		20		0-39
		12		0-34
		19		1-03
		16		0-01
		17		0-25
		18		0-23
		41		1-08
		42		0-14
	मूडगेरे	77		0-10
	बुगडनहल्ली अमानिकेरे	14		0-08
		2		0-12
		सर्वे सं. 2, 14 और 12 के बीच में	नाला	0-08

1	2	3	4	5
तुमकूर	बुगडनहल्ली	12		0-26
	अमानिकेरे	13		0-30
		15		0-13
		16		0-38
		19		0-24
		18		0-15
	वक्कोडी	103		1-22
		102		0-06
		104		2-05
		105		0-18
		100		0-29
		सर्वे सं. 100 में	वितरक नदी	0-05
		सर्वे सं. 100 और 89 के बीच में	ग्राम भूमि	0-11
		89		1-20
		90		0-01
		85		1-24
		86		0-32
	गोल्लहल्ली	16		0-37
		15		0-16
		सर्वे सं. 17 में	रास्ता	0-04
		17		1-19
		18		0-01
		22		0-25
		23		0-14
		सर्वे सं. 23 और 26 के बीच में	रास्ता	0-06
		25		0-03
		26		0-13
		29		0-38
		30		0-02
		सर्वे सं. 30 और 31 के बीच में	रेलवे	0-09
		सर्वे सं. 30 और 31 के बीच में	रेलवे	0-14

1	2	3	4	5
तुमकूर	गोल्लहल्ली	31		1-04
		32		0-01
		34		0-22
		सर्वे सं. 35 में	नाला	0-01
		सर्वे सं. 34 में	नाला	0-04
		33		1-15
		39		0-01
	हेग्गेरे	170		0-23
		169		0-21
		168		0-15
		167		0-13
		166		0-02
		165		0-31
		सर्वे सं. 165 और 146 के बीच में	नाला	0-10
		146		0-18
		145		0-04
		147		0-27
		144		0-25
		143		0-31
		सर्वे सं. 143 और 141 के बीच में	नाला	0-09
		141		0-16
		सर्वे सं. 96 और ग्राम सीमा के बीच में	नाला	0-03
	कुन्कुमनहल्ली	6		0-36
		8		0-22
		सर्वे सं. 8 में	रास्ता	0-03
		7		0-18
		9		0-25
		12		0-21
		11		0-03

1	2	3	4	5
तुमकूर	कुन्कुमनहल्ली	13		0-38
		14		0-03
		17		0-32
		15		0-03
	लक्ष्मणसंद्र	30		0-01
		31		0-10
		32		0-11
		33		0-10
		34		0-08
		35		0-11
		36		0-16
		37		0-07
		38		0-13
		39		0-08
		41		0-15
		46		0-01
		44		0-13
		45		0-21
		48		0-39
		52		0-18
		सर्वे सं. 52 में	नाला	0-05
		66		0-11
		65		0-06
		67		0-08
		68		0-15
		69		0-16
		71		0-10
		75		0-12
		76		0-07
		77		0-09
		80		0-02
		79		0-12
		82		0-07
		83		0-10
		88		0-02
		89		0-24
		90		0-20
		91		0-07
		सर्वे सं. 93 में	रास्ता	0-05
		93		1-02

1	2	3	4	5
तुमकूर	कम्बसनहली	34		2-04
		33		1-28
		सर्वे सं. 34 में	रास्ता	0-04
		39		0-35
		37		0-10
		38		1-27
		99		0-17
		सर्वे सं. 99 में	रास्ता	0-07
		100		0-22
		102		1-03
		103	नाला	0-22
		104		0-13
		106		0-32
	हेत्तेनहल्ली	94		0-39
		92		0-21
		91		1-10
		89		1-14
		108		0-04
		109		0-07
		110		0-06
		111		0-14
		113		0-18
		114		0-08
		115		0-06
		116		0-22
		87		0-05
		122		0-07
		119		0-13
		118		1-16
		131		0-06
	कैदाल	55		0-20
		54		1-07
		सर्वे सं. 54 में	रास्ता	0-03
		49		0-26
		48		0-34
		47		0-39
		सर्वे सं. 47 में	रास्ता	0-05
		43		1-37
		34		0-13
		35		1-00

1	2	3	4	5
तुमकूर	कल्लामठ	4		1-12
		6		1-31
		7		1-17
		8		0-14
		9		1-14
		10		0-07
		11		1-17
		22		0-02
		सर्वे सं. 20 में	रास्ता	0-04
		20		1-23
	गूलूर	125		0-17
		124		1-02
		122		1-00
		सर्वे सं. 122 में	नाला	0-04
		121		1-08
		120		0-11
		सर्वे सं. 120 और 115 के बीच में	बैलगाड़ी रास्ता	0-09
		115		0-33
		118		0-02
		117		1-03
		सर्वे सं. 117 और 112 के बीच में	राज्य राज-मार्ग-33	0-09
		112		0-07
		111		1-04
		110		0-25
	हांसूर	26		0-01
		27		0-16
		सर्वे सं. 27 और 75 के बीच में	जलधारा	0-19
		75		0-06
		29		0-15
		30		0-17
		32		0-30
		सर्वे सं. 32 और 33 के बीच में	रास्ता	0-20
		33		0-06
				0-22

1	2	3	4	5
तुमकूर	होसूर	34		0-22
		36		0-13
		सर्वे सं. 36 और 35 के बीच में	जलधारा	0-11
		35		0-09
		46		0-07
		44		0-05
		45		0-16
		48		0-09
		49		0-14
		50		0-02
	मानंगी	41		0-06
		40		0-01
		37		0-13
		36		0-13
		35		0-19
		32		0-02
		30		1-24
		29		0-01
		28		1-04
		25		0-19
		24		0-16
		23		0-29
		20		0-31
		19		0-13
	अक्कतंगेर कघट्टे	175		0-22
	कावल	174		0-34
		141		1-30
		142		0-07
		143		0-09
		140		0-33
		39		0-37
		40		0-03
		38		1-20
		31		0-16
		32		0-32
		सर्वे सं. 32 और 14 के बीच में	रास्ता	0-07
		14		0-32
		15		0-36

1	2	3	4	5
तुमकूर	अक्कतंगेर कवट्टे	16		1-06
	कावल	22		4-17
		23		1-05
	होलकल्लु	167		0-07
		166		0-37
		165		0-12
		168		1-04
		148		0-20
		147		1-03
		130		0-16
		132		1-19
		136		0-24
		137		0-01
		135		0-21
		120		0-26
		121		0-13
		114		2-00
		113		0-33
		102		1-34
		112		1-21
	हुल्लेनहल्ली	101		0-31
		102		0-01
	गंधमाचन हल्ली	21		1-06
		20		0-12
		सर्वे सं. 20 में रास्ता		0-05
		28		0-14
		सर्वे सं. 28 और 27 के बीच में रास्ता		0-07
		27		1-22
		26		2-04
		सर्वे सं. 33 में नाला		0-07
		33		0-28
	अरेहल्ली	18		0-26
		19		0-12
		2		1-13
		सर्वे सं. 2 में रास्ता		0-04
		3		0-33
		4		1-09
		17		0-17
तुमकूर	अरेहल्ली	सर्वे सं. 17 में रास्ता		0-05
		5		0-27
		7		1-08
		8		0-01
		सर्वे सं. 7 और नाला 35 के बीच में		0-05
		35		0-27
		33		0-34
		32		0-10
		सर्वे सं. 32 में नाला		0-01
	होन्नुडकी	30		0-03
		सर्वे सं. 31 में नाला		0-05
		31		3-02
		33		0-09
		34		0-08
		35		0-02
	बोचनहल्ली	28		1-29
		27		0-04
	चिक्क होन्नुडकी	6		1-20
		सर्वे सं. 6 में रास्ता		0-05
		5		0-18
		4		0-19
		सर्वे सं. 4 में रास्ता		0-04
		3		1-11
		27		1-18
		28		0-19
		25		0-12
		15		1-21
		सर्वे सं. 15 में नाला		0-03
	सासलु	139		0-26
		135		1-11
		सर्वे सं. 135 में रास्ता		0-05
		134		0-03
		132		0-15
		सर्वे सं. 132 और 136 के बीच में रास्ता		0-08
		136		1-21

1	2	3	4	5
तुमकूर	सासलु	110		0-21
		114		0-01
		111		1-06
		105		0-39
		106		0-17
		सर्वे सं. 105 नाला और ग्राम सीमा के बीच में		0-06
		98		0-21
	वरदनहल्ली	110		0-27
		109		0-06
	रामेनहल्ली	20		0-10
		19		0-01
		21		0-36
		32		1-21
		31		0-15
		29		1-04
		28		1-33
		27		0-01
		53		0-11
		54		0-30
		सर्वे नं. 54 में	रोड	0-04
		64		0-20
		63		1-19
		58		0-15
		59		1-26
		62		0-04
		60		0-25

[फा. सं. एल-14014/5/04-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 10th June, 2004

S.O. 1425.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum gas through Dabhol to Bangalore pipeline project in the State of Karnataka, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Sh. S.S Pattanashetti, Competent Authority, GAIL (India) Limited, No. 21, Palace Road, Bangalore- 560052 (Karnataka).

SCHEDULE

STATE : KARNATAKA **DISTRICT : TUMKUR**

Name of the Taluk	Name of the Village	Sy. No.	Hissa No.	Area to be acquired for ROU in Hect.
1	2	3	4	5
Sira	Ganada Hunasi	18		0-12
		19		2-10
		20		1-26
		21		2-22
		23		2-35
		24		0-22
		38		4-02
		In Svy. No. 39	Road	0-07
		39		2-19
		36		1-03
		In Svy. No. 36	Nala	0-03
		35		1-21
		34		1-31
		31		3-16
	G. Ranganahalli	26		0-34
		25		0-13
		28		2-36
		29		2-03
		23		1-01
		22		0-38

1	2	3	4	5
Sira	G.Ranganahalli	20		0-06
		21		2-01
		18		0-24
		19		0-12
		10		2-17
		In Svy. No. 10	Nala	0-09
		11		1-20
		In Svy. No. 11	Nala	0-12
		12		1-36
	Devarapura	51		2-01
		49		1-25
		46		0-38
		47		1-06
	Shyagadadavi	47		0-21
		46		3-22
		39		0-01
		44		0-21
		40		1-31
		42		0-08
		41		0-39
		12		0-35
		13		1-02
		19		1-00
		20		0-11
		10		0-31
		21		1-28
		In Bet Svy. No. 21 & 8	Cart Track	0-07
		8		0-33
		In Svy. No. 8	Road	0-08
	Giddanahalli	41		0-06
		58		1-21
		40		0-39
		76		0-20
	Doddalada-maduvu	45		0-28
		41		2-30
		42		0-22
Sira	Doddalada-maduvu	43		2-06
		17		0-37
		10		1-34
		15		1-08
		11		0-04
		13		2-00
		In Bet Svy. No. 13 & V.B.	Nala	0-09
	Manganahalli	In Svy. No. 4	Nala	0-07
		4		1-15
		5		0-14
		7		2-08
		8		0-10
		11		1-18
	Chikkasamu-drakavalu	2		0-30
	Huyiladore	42		1-04
		43		0-37
		44		0-37
		45		0-37
		46		0-33
		In Svy. No. 46	Road	0-04
		55		0-36
		56		2-21
		57		2-24
		60		1-31
		In Bet Svy. No. 60 & 61	Road	0-09
		61		0-28
		73		3-10
		72		0-31
		63		1-02
		64		3-39
		67		2-04
		68		2-38
		69		2-31
		70		1-07
	Honnenahalli	62		4-07
		59		1-00

1	2	3	4	5
Sira	Guddadaran-ganahalli	8		0-31
		10		1-31
		9		1-25
		13		2-12
		In Svy. No. 13	Road	0-4
		2		0-30
		18		2-31
		17		3-06
	Vaddanahalli	70		3-37
		60		3-33
		57		3-33
		58		0-04
		56		0-06
		54		1-04
		55		5-15
		In Svy. No. 55	Nala	0-08
	Agrahara	271		0-08
		253		2-12
		In Svy. No. 253 & 259	Nala	0-14
		259		0-33
		255		1-06
		257		0-39
		256		1-11
		249		1-34
		248		0-10
	Punajahalli	12		1-07
	Malanahalli	1		1-27
		25		2-00
		26		1-39
		27		1-22
		28		0-15
	Chikka Agrahara	89		1-32
		90		0-09
		91		1-22
		In Svy. No. 91	Road	0-03
		86		1-25

1	2	3	4	5
Sira	Chikka Agrahara	In Bet Svy. No. 86 & 97	Nala	0-24
		97		1-30
		98		1-08
		99		1-31
		In Svy. No. 99	Road	0-04
		101		0-06
	Batagenahalli	34		2-02
		37		0-06
		33		0-17
		53		2-10
		8		0-11
		27		2-19
		28		0-12
		In Bet Svy. No. 28 & VB	Nala	0-07
	Hosabijena-bella	34		0-12
		35		0-33
		33		2-22
		32		0-09
		29		1-01
		28		1-08
		27		6-08
		In Svy. No. 27	Road	0-03
		25		0-01
		11		5-05
	Chikka Girenahalli	4		0-10
		3		3-19
		In Svy. No. 3	Nala	0-07
		16		0-37
		1		0-39
		11		1-26
		In Svy. No. 11	Stream	0-09
		12		0-31
		13		1-19
		In Svy. No. 13	Stream	0-11

1	2	3	4	5
Gubbi	Devarahalli	In Bet V. B. & Svy. No. 70	Nala	0-22
		70		0-27
		69		0-22
		68		0-10
		In Bet Svy. No. 68 & 74	Road	0-14
		74		1-22
		78		0-07
		73		0-38
		79		1-24
		80		0-12
	Thogari Gunte	In Bet V.B. & Svy. No. 47	Nala	0-12
		47		1-13
		43		1-10
		In Svy. No. 42	Road	0-05
		42		1-27
		40		3-03
		39		2-16
	Revanala	14		1-01
		13		1-23
		12		1-21
		10		1-25
		66		0-29
		65		1-06
		64		1-39
		In Svy. No. 64	Road	0-05
		59		6-07
		58		0-17
	Honnenahalli	21		0-23
		23		0-09
		4		2-34
		In Bet Svy. No. 4 & 3		0-05
		In Svy. No. 3	Road	0-01
		3		1-10
		2		1-23
		11		2-24

1	2	3	4	5
Gubbi	Kurubarahalli	4		1-08
	Kallugudi	41		2-12
		42		0-02
		40		2-07
		32		2-35
		33		2-01
		34		0-29
		12		0-10
		29		0-07
		13		2-34
		In Svy. No. 13	Road	0-02
		15		0-01
		10		0-23
		16		2-29
		17		0-20
		8		1-18
		19		5-21
	Nalluru	55		3-24
		In Svy. No. 55	Nala	0-05
		59		2-00
		In Bet Svy. No. 59 & 58	Road	0-05
		58		1-02
		70		1-22
		71		0-16
		72		1-36
		67		0-20
		106		0-35
		107		0-38
		108		1-20
		In Svy. No. 108	Road	0-08
		109		1-24
		115		1-20
		121		1-19
		135		1-26
		136		2-14
		139		1-33
		138		0-33
		140		3-15
		144		0-11

1	2	3	4	5
Gubbi	Thonachana-halli	12		0-01
		11		1-14
		4		0-35
		1		0-35
		2		0-01
		51		1-06
		50		0-38
		49		1-22
		47		0-14
		In Svy. No. 47	Road	0-04
		48		0-16
	Sathenahalli	21		3-01
		In Svy. No. 21	Canal	0-09
		19		1-26
		20		0-24
		23		0-01
		24		0-22
		25		0-38
		41		0-05
		26		0-30
		40		1-19
		39		0-02
		In Bet. Svy. No. 40, 39 & 38	Road	0-07
		38		1-09
		36		0-07
		33		0-01
		35		0-05
		34		1-08
	Irakasandra	109		1-22
		110		1-00
	Nandihalli	42		0-33
		40		1-05
		33		0-14
		38		0-23
		34		0-19
		32		1-06
		31		1-00

1	2	3	4	5
Gubbi	Nandihalli	30		0-14
		29		0-18
		28		1-00
		24		1-00
		25		0-17
	Chandagere	45		0-31
		46		0-37
		47		0-25
		12		0-16
		13		0-09
		14		0-11
		16		0-27
		18		0-12
		20		0-33
		22		0-35
		23		0-25
		In Svy. No. 23	Nala	0-02
		26		1-07
		In Svy. No. 26	Road	0-03
		25		0-34
		24		0-02
	kaggere	16		0-02
		18		0-33
	Manimari Amrutha Kaval	131		0-01
		130		0-35
		117		1-08
		118		0-01
		116		0-07
		115		0-38
		104		1-00
		105		0-01
		101		0-08
		98		0-34
		99		0-37
		70		1.03
		1		15-24
		86		1-03
		87		0-28
		In Svy. No. 87	Road	0-04

1	2	3	4	5
Gubbi	Manimari Amrutha Kaval	88		0-38
		90		0-23
		In Svy. No. 1	Road	0-03
		In Svy. No. 1	Road	0-08
		In Svy. No. 1	Stream	0-01
		182		0-01
		181		1-03
		180		0-11
	Manimari-nagadi Kaval	15		2-01
		14		2-32
		5		0-01
		In Svy. No. 6	Distributory	0-06
		6		0-24
	Boragonda-nahalli	12		0-37
		In Svy. No. 9	Nala	0-02
		9		1-07
		10		0-22
		6		2-09
		5		0-02
Tumkur	Asalipura	48		0-25
		47		1-25
		45		1-18
	Kaggeri	11		0-09
		10		1-18
		In Svy. No. 10	Road	0-07
		In Svy. No. 10 &12	Canal	0-02
		12		2-13
		26		1-19
		27		0-08
		24		1-03
		23		0-01
		30		0-06
		31		0-35
		29		0-21
		33		0-05
		34		0-15
	Gowdihalli	24		0-34
		25		0-07
		23		0-01
Tumkur	Gowdihalli	22		1-00
		20		0-01
		In Svy. No. 22	Nala	0-02
	Naravangala	76		1-05
		96		1-31
		97		0-12
		98		1-10
		92		0-14
		In Bet Svy. No. 92 & 127	Cart Track	0-13
		127		2-17
		125		0-25
		In Bet Svy. No. 125 & 128	Road	0-04
		128		0-19
		In Svy. No. 128 & 130	Distributory	0-02
		130		0-25
		132		1-03
		134		0-04
		133		1-31
		In Svy. No. 133	Distributory	0-05
		4		0-25
		20		0-39
		12		0-34
		19		1-03
		16		0-01
		17		0-25
		18		0-23
		41		0-08
		42		0-14
Tumkur	Mudagere	77		0-10
Tumkur	Bugadanahalli Amanikere	14		0-08
		2		0-12
		In Bet Svy. No. 2 14 & 12	Nala	0-08
		12		0-26
		13		0-30
		15		0-13
		16		1-38
		19		0-24
		18		0-15

1	2	3	4	5
Tumkur	Vakkodi	103		1-22
		102		0-06
		104		0-05
		105		0-18
		100		0-29
		In Svy. No. 100	Distributory	0-05
		In Bet Svy. No. 100 & 89	Village Land	0-11
		89		1-20
		90		0-01
		85		1-24
		86		0-32
	Gollahalli	16		0-37
		15		0-16
		In Svy. No. 17	Road	0-04
		17		1-19
		18		0-01
		22		0-25
		23		0-14
		In Bet Svy. No. 23 & 26	Road	0-06
		25		0-03
		26		0-13
		29		0-38
		30		0-02
		In Bet Svy. No. 30 & 31	Railway Dept.	0-09
		In Bet Svy. No. 30 & 31	Railway Dept.	0-14
		31		1-04
		32		0-01
		34		0-22
		In Svy. No. 35	Nala	0-01
		In Svy. No. 34	Nala	0-04
		33		1-15
		39		0-01
	Heggere	170		0-23
		169		0-21
		168		0-15
		167		0-13
		166		0-02
		165		0-31
		In Bet Svy. No. 165 & 146	Nala	0-10
Tumkur	Heggere	146		0-18
		145		0-04
		147		0-27
		144		0-25
		143		0-31
		In Bet Svy. No. 143 & 141	Nala	0-09
		141		0-16
		In Bet Svy. No. 96 & V.B.	Nala	0-03
	Kunkumana halli	6		0-36
		8		0-22
		In Svy. No. 8	Road	0-03
		7		0-18
		9		0-25
		12		0-21
		11		0-03
		13		0-38
		14		0-03
		17		0-32
		15		0-03
	Lakshmana-sandra	30		0-01
		31		0-10
		32		0-11
		33		0-10
		34		0-08
		35		0-11
		36		0-16
		37		0-07
		38		0-13
		39		0-08
		41		0-15
		46		0-01
		44		0-13
		45		0-21
		48		0-39
		52		0-18
		In Svy. No. 52	Canal	0-05
		66		0-11
		65		0-06

1	2	3	4	5
Tumkur	Lakshmana sandra	67		0-08
		68		0-15
		69		0-16
		71		0-10
		75		0-12
		76		0-07
		77		0-09
		80		0-02
		79		0-12
		82		0-07
		83		0-10
		88		0-02
		89		0-24
		90		1-20
		91		0-07
		In Svy. No. 93	Road	0-05
		93		1-02
	Kambattanahalli	34		2-04
		33		1-28
		In Svy. NO. 34	Road	0-04
		39		0-35
		37		0-10
		38		1-27
		99		0-17
		In Svy. No. 99	Road	0-07
		100		0-22
		102		1-03
		103	Nala	0-22
		104		0-03
		106		0-32
	Hettenahalli	94		0-39
		92		0-21
		91		1-10
		89		1-14
		108		0-04
		109		0-07
		110		0-06
		111		0-14
		113		0-18
		114		0-08
		115		0-06
Tumkur	Hettenahalli	116		0-22
		87		0-05
		122		0-07
		119		0-13
		118		1-16
		131		0-06
	Kaidal	55		0-20
		54		0-07
		In Svy. No. 54	Road	0-03
		49		0-26
		48		0-34
		47		0-39
		In Svy. No. 47	Road	0-05
		43		1-37
		34		0-13
		35		1-00
	Kallamatha	4		1-12
		6		1-31
		7		1-17
		8		0-14
		9		1-14
		10		0-07
		11		1-17
		22		0-02
		In Svy. No. 20	Road	0-04
		20		1-23
	Guluru	125		0-17
		124		1-02
		122		1-00
		In Svy. No. 122	Road	0-04
		121		1-08
		120		0-11
		In Bet Svy. No. 120 & 115	Cart Track	0-09
		115		0-33
		118		0-02
		117		1-03
		In Bet Svy. No. 117 & 112	SH-33	0-07
		112		1-04
		111		0-25
		110		0-01

1	2	3	4	5
Tumkur	Hosur	26		0-16
		27		0-19
		In Bet Svy. No. 27 & 75	Stream	0-06
		75		0-15
		29		0-17
		30		0-30
		32		0-20
		In Bet Svy. No. 32 & 33	Road	0-06
		33		0-22
		34		0-22
		36		0-13
		In Bet Svy. No. 36 & 35	Stream	0-11
		35		0-09
		46		0-07
		44		0-05
		45		0-16
		48		0-09
		49		0-14
		50		0-02
	Manangi	41		0-06
		40		0-01
		37		0-13
		36		0-13
		35		0-19
		32		0-02
		30		1-24
		29		0-01
		28		1-04
		25		0-19
		24		0-16
		23		0-29
		20		0-31
		19		0-13
	Akkatangera Katte Kavalu	175		0-22
		174		0-34
		141		1-30
		142		0-07
		143		0-09
Tumkur	Akkatangera	140		0-33
	Katte Kavalu	39		0-37
		40		0-03
		38		1-20
		31		0-16
		32		0-32
		In Bet Svy. No. 32 & 14	Road	0-07
		14		0-32
		15		0-36
		16		1-06
		22		4-17
		23		1-05
	Holakallu	167		0-07
		166		0-37
		165		0-12
		168		1-04
		148		0-20
		147		1-03
		130		0-16
		132		1-19
		136		0-24
		137		0-01
		135		0-21
		120		0-26
		121		0-13
		114		2-00
		113		0-33
		102		1-34
		112		1-21
	Hullenahalli	101		0-31
		102		0-01
	Gandhama-chanahalli	21		1-06
		20		0-12
		In Svy. No. 20	Road	0-05
		28		0-14
		In Bet Svy. No. 28 & 27	Road	0-07
		27		1-22
		26		2-04
		In Svy. No. 33	Nala	0-07
		33		0-28

1	2	3	4	5
Tumkur	Arehalli	18		0-26
		19		0-12
		2		1-13
		In Svy. No. 2	Road	0-04
		3		0-33
		4		1-09
		17		0-17
		In Svy. No. 17	Road	0-05
		5		0-27
		7		1-08
		8		0-01
		In Svy. No. 7 & 35	Nala	0-05
		35		0-27
		33		0-34
		32		0-10
		In Svy. No. 32	Canal	0-01
	Honnudaki	30		0-03
		In Svy. No. 31	Canal	0-05
		31		3-02
		33		0-09
		34		0-08
		35		0-02
	Bochanahalli	28		1-29
		27		0-04
	Chaikkahon-nudaxi	6		1-20
		In Svy. No. 6	Road	0-05
		5		0-18
		4		0-19
		In Svy. No. 4	Road	0-04
		3		1-11
		27		1-18
		28		0-19
		25		0-12
		15		1-21
		In Svy. No. 15	Nala	0-03
Tumkur	Saaalu	139		0-26
		135		1-11
		In Svy. No. 135	Road	0-05
		134		0-03
		132		0-15
		In Bet Svy. No. 132 & 136	Road	0-08
		136		1-21
		110		0-21
		114		0-01
		111		1-06
		105		0-39
		106		0-17
		In Bet Svy. No. 105 & V.B.	Nala	0-06
		98		0-21
	Varadanahalli	110		0-27
		109		0-06
	Ramenahalli	20		0-10
		19		0-01
		21		0-36
		32		1-21
		31		0-15
		29		1-04
		28		1-33
		27		0-01
		53		0-11
		54		0-30
		In Svy. No. 54	Road	0-04
		64		0-20
		63		1-19
		58		0-05
		59		1-26
		62		0-04
		60		0-25

[F. No. L-14014/5/'04-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 11 जून, 2004

का.आ. 1426.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार की उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह प्रतीत होता है कि उस भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री प्रहलाद व्ही. कचरे, सक्षम प्राधिकारी, मुम्बई—मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड, कार्यालय पहली मंजिल, सेवा कॉम्प्लेक्स, गुरूद्वारा के सामने, मुंबई-आगरा महामार्ग, धुलिया 424311 (महाराष्ट्र) की लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील :—शिंदखेडा जिला :—धूलियां राज्य :—महाराष्ट्र

ग्राम का नाम	गट/सर्वे	क्षेत्र		
	नंबर	हैक्टर	आर	चौरस मीटर
1. बेटावद	867A	0	07	56
	717	0	01	00
2. पढावद	180/2	0	03	33
3. पाष्टे	239/1/2	0	14	40
	118/2	00	27	00
	118/3	0	16	20
4. मुडावद	243/1-अ-1	0	06	66
5. मलसर	206/1ड	0	06	03

[फा. सं. आर-31015/16/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 11th June, 2004

S.O. 1426.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited ;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri P. V. Kachare, Competent Authority, Mumbai-Manmad Pipeline Extention Project, Bharat Petroleum Corporation Limited, at office at 1st Floor, Seva Complex, Opp. Gurudwara, Mumbai-Agra Road, Dhule 424311 (Maharashtra).

SCHEDULE

Tahsil : Shindkheda District : Dhule State : Maharashtra

Name of Village	Gat/Survey Numbers	Areas		
		Hectors	Area	Sq. Mts.
1. Betavad	867A	0	07	56
	717	0	01	00
2. Pashte	239/1/1/2	0	14	40
	118/2	0	27	00
	118/3	0	16	20
3. Malsar	206/1D	0	06	03
4. Mudavad	243/1-A-1	0	06	66
5. Padhavad	180/2	0	03	33

[F. No. R-31015/16/2001-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 11 जून, 2004

का.आ. 1427.—केन्द्रीय सरकार, ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी

गई अधिसूची में यथा उल्लिखित तारीखों की अधिसूचना संख्या का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था ;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त उपयोग का अधिकार पेट्रोनेट सी. सी. के. लिमिटेड में निहित किया था ;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि मोटर स्प्रिट, उच्च कोटि का मिटटी का तेल और उच्च वेग डीजल के परिवहन के लिए केरल राज्य में भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के इरिम्पानम संस्थापन, इरिम्पानम, कोची से तमिलनाडु राज्य में करूर तक उक्त भूमि में पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है, ऐसे प्रचालन को केरल राज्य में समाप्त किया जाए ;

अतः अब, केन्द्रीय सरकार पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तम्भ 7 में उल्लिखित तारीखों को केरल राज्य में प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

क्रम नं.	का.आ.न.व. तारीख	गांव का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ती की तारीख
1	2	3	4	5	6	7
1.	3280 9 नवंबर 99	पारक्कडव (खण्ड सं. 5)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		पारक्कडव (खण्ड सं. 6)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		कुन्नुकरा	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
2.	3673 24 दिसंबर 99	त्रिकाक्करा (उत्तरी) (खण्ड सं. 6)	कनयन्नूर	एरनाकुलम	केरल	15 दिसंबर 2002
		काक्कनाड (खण्ड सं. 9)	कनयन्नूर	एरनाकुलम	केरल	15 दिसंबर 2002
		आलुवाई (पश्चिमी) (खण्ड सं. 37)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		आलुवाई (पश्चिमी) (खण्ड सं. 34)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		पारक्कडव (खण्ड सं. 5)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		पारक्कडव (खण्ड सं. 6)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		कडुन्गल्लूर	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
		करुमालूर	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
3.	791 30 मार्च 2000	त्रिक्काक्करा (उत्तरी) (खण्ड सं. 6)	कनयन्नूर	एरनाकुलम	केरल	15 दिसंबर 2002
		आलुवाई (पश्चिमी) (खण्ड सं. 37)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		आलुवाई (पश्चिमी) (खण्ड सं. 34)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		पारक्कडव (खण्ड सं. 5)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		पारक्कडव (खण्ड सं. 6)	आलुवाई	एरनाकुलम	केरल	15 दिसंबर 2002
		कुन्नुकरा	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
		करुमालूर	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
		कडुन्गल्लूर	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
4.	1624 10 जुलाई 2001	तिरुवान्कुलम (खण्ड सं. 10)	कनयन्नूर	एरनाकुलम	केरल	15 दिसंबर 2002
		कडुन्गल्लूर	परावूर	एरनाकुलम	केरल	15 दिसंबर 2002
5.	3281 9 नवंबर 99	पडिञ्ञारे चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		परपूक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		तोरवा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेन्मनिकरा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
6.	3614 14 दिसंबर 99	मुरिन्गूर तेक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		मुरिन्गूर वडक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कल्लूर तेक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कल्लूर वडक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002

1	2	3	4	5	6	7
7.	982 8 मई 2000	पडिज्जारे चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		किषक्के चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		पराप्पूक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेन्मनिक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		त्रिक्कूर	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कल्लूर वडक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कल्लूर तेक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		मरत्ताक्करा	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		नडत्तरा	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		कैनूर	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 77)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 81)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 80)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
8.	1455 28 जून 2000	पेरामन्ना	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		आलूर	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कोडकरा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेल्लाई	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		तोरवा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेन्मनिक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		किषक्के चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		पडिज्जारे चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कैनूर	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		कोपुक्कुल्लि	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		ओल्लूक्करा	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		मुलयम	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 77)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पीच्ची (खण्ड सं. 79)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
9.	2496 14 नवम्बर 2000	कल्लूर तेक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		मुरिन्गूर तेक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कल्लूर वडक्कुम्मुरी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		पडिज्जारे चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		किषक्के चालकुटी	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		पेरामन्ना	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		आलूर	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		कोडकरा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेल्लाई	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		परप्पूक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		तोरवा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		नेन्मनिक्करा	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		त्रिक्कूर	मुकुन्दपुरम	त्रिशूर	केरल	15 दिसंबर 2002
		मरत्ताक्करा	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		कैनूर	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		कोपुक्कुल्लि	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		मुलयम	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002

1	2	3	4	5	6	7
		पाणनचेरी (खण्ड सं. 77)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 80)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पाणनचेरी (खण्ड सं. 81)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
		पीच्ची (खण्ड सं. 79)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
10.	558 15 मार्च 2001	पीच्ची (खण्ड सं. 84)	त्रिशूर	त्रिशूर	केरल	15 दिसंबर 2002
11.	3176 3 नवंबर 99	पुतुशेरी (पूर्व) (खण्ड सं. 32)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 33)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एरिमयूर (खण्ड सं. 21)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		आलत्तूर (खण्ड सं. 28)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-I (खण्ड सं. 16)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
12.	3669 16 दिसंबर 99	कोडुम्बु (खण्ड सं. 46)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		मरुतरोड (खण्ड सं. 38)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एलप्पुल्ली-II (खण्ड सं. 39)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एलप्पुल्ली-I (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एलप्पुल्ली-II (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी पश्चिमी (खण्ड सं. 36)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पू.) (खण्ड सं. 33)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		आलत्तूर (खण्ड सं. 28)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
13.	621 7 मार्च 2000	कन्नम्ब्रा-II (खण्ड सं. 34)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 34)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-I (खण्ड सं. 36)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-I (खण्ड सं. 35)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-II (खण्ड सं. 46)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-II (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-I (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-II (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-I (खण्ड सं. 29)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		आलत्तूर (खण्ड सं. 28)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		एरिमयूर (खण्ड सं. 21)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-I (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-I (खण्ड सं. 16)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 15)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		तेनकुरुशी-II (खण्ड सं. 18)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 51)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-II (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कोडुम्बू (खण्ड सं. 46)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कोडुम्बू (खण्ड सं. 47)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-II (खण्ड सं. 39)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-II (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-I (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002

1	2	3	4	5	6	7
		पुतुशेरी (मध्यम) (खण्ड सं. 34)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 33)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 32)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
14.	869 19 अप्रैल, 2000	कन्नम्ब्रा-I (खण्ड सं. 36)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-I (खण्ड सं. 35)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-II (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-II (खण्ड सं. 46)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-II (खण्ड सं. 34)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 34)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कवशेरी-II (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कवशेरी-I (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कवशेरी-I (खण्ड सं. 29)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		आलत्तूर (खण्ड सं. 28)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		एरीमयुर (खण्ड सं. 21)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम (खण्ड सं. 16)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-I (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 15)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		तेनकुरीश्शी-I (ब्लांक नं. 18)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 51)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-II (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कोडुम्बू (खण्ड सं. 46)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कोडुम्बू (खण्ड सं. 47)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		मरुतरोड़ (खण्ड सं. 38)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-I (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-II (खण्ड सं. 39)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		ऐलप्पिल्ली-II (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पश्चिमी) (खण्ड सं. 36)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (मध्यम) (खण्ड सं. 34)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 32)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 33)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
15.	1632 21 जुलाई, 2000	कन्नम्ब्रा-II (खण्ड सं. 36)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-II (खण्ड सं. 35)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-II (खण्ड सं. 46)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नम्ब्रा-II (खण्ड सं. 34)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		वडक्कन्चेरी-I (खण्ड सं. 44)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-11 (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-I (खण्ड सं. 30)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कावशेरी-I (खण्ड सं. 29)	आलत्तूर	पालक्कांड	केरल	15 दिसंबर 2002
		आलत्तूर (खण्ड सं. 28)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-I (खण्ड सं. 16)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002

1	2	3	4	5	6	7
		कोयलमन्नम-I (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 17)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कोयलमन्नम-II (खण्ड सं. 15)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		तेनकुरीश्शी-I (खण्ड सं. 18)	आलत्तूर	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 51)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-I (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		कन्नाडी-II (खण्ड सं. 50)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		काडुम्बू (खण्ड सं. 46)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		काडुम्बू (खण्ड सं. 47)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एलप्पुल्ली-II (खण्ड सं. 39)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		एलप्पुल्ली-II (खण्ड सं. 40)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		पुतुशेरी (पूर्व) (खण्ड सं. 33)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002
		मरुतरोड (खण्ड सं. 38)	पालक्काड	पालक्काड	केरल	15 दिसंबर 2002

[फा. सं. आर-31015/3/2001-ओ. आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 11th June, 2004

S.O. 1427.—Whereas, by the notifications of the Government of India in the Ministry of Petroleum and Natural Gas numbers S. O. and dates as mentioned in the Schedule below issued under Sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands, specified in the Schedule appended to those notifications;

And whereas, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Petronet CCK limited;

And whereas, the competent authority has made a report to the Central Government that the pipeline for the purpose of transport of motor spirit, superior kerosene oil and high speed diesel from the Irimpanam installation of Bhart Petroleum Corporation Limited, Irimpanam, Kochi in the State of Kerala to Karur in the State of Tamil Nadu has been laid in the said lands so the operation may be terminated in the State of Kerala in respect of said lands the description of which in brief is specified in the schedule annexed to this notification;

Now, therefore, as required under explanation-1 of rule 4 of the Petroleum pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declares the dates mentioned in column 7 of the said Schedule as the dates of termination of operation in the State of Kerala.

SCHDEULE

Sl. No.	S.O. No. and Date	Name of Village	Taluk	District	State	Date of Termination
1	2	3	4	5	6	7
1.	3280 dated 9-11-99	Parakkadavu (Block No. 5)	Aluva	Ernakulam	Kerala	15-12-2002
		Parakkadavu (Block No. 6)	Aluva	Ernakulam	kerala	15-12-2002
		Kunnukara	Paravur	Ernakulam	Kerala	15-12-2002
2.	3673 dated 24-12-99	Thrikkakara (N) (Block No. 6)	Kanayannur	Ernakulam	Kerala	15-12-2002
		Kakkanad (Block No. 9)	Kanayannur	Ernakulam	Kerala	15-12-2002
		Aluva West (Block No. 37)	Aluva	Ernakulam	Kerala	15-12-2002
		Aluva West (Block No. 34)	Aluva	Ernakulam	Kerala	15-12-2002
		Parakkadavu (Block No. 5)	Aluva	Ernakulam	Kerala	15-12-2002
		Parakkadavu (Block No. 6)	Aluva	Ernakulam	Kerala	15-12-2002

1	2	3	4	5	6	7
		Kadungallur	Paravur	Emakulam	Kerala	15-12-2002
		Karumallur	Paravur	Emakulam	Kerala	15-12-2002
3.	791 dated 30-3-2000	Thrikkakara North (Block No. 6)	Aluva	Emakulam	Kerala	15-12-2002
		Aluva West (Block No. 37)	Aluva	Emakulam	Kerala	15-12-2002
		Aluva West (Block No. 34)	Aluva	Emakulam	Kerala	15-12-2002
		Parakkadavu (Block No. 5)	Aluva	Emakulam	Kerala	15-12-2002
		Parakkadavu (Block No. 6)	Aluva	Emakulam	Kerala	15-12-2002
		Kunnukara	Paravur	Emakulam	Kerala	15-12-2002
		Karumallur	Paravur	Emakulam	Kerala	15-12-2002
		Kadungallur	Paravur	Emakulam	Kerala	15-12-2002
4.	1624 dated 10-7-2001	Thiruvamkulam (Block No. 10)	Kanayannur	Emakulam	Kerala	15-12-2002
		Kadungallur	Paravur	Emakulam	Kerala	15-12-2002
5.	3281 dated 9-11-99	Padinjare Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Parappukkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Thorava	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nenmanikkara	Mukundapuram	Thrissur	Kerala	15-12-2002
6.	3614 dated 14-12-99	Muringur Thekkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Muringur Vadakkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kallur Thekkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kallur Vadakkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
7.	982 dated 8-5-2000	Padinjare Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kizhakke Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Parappukkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nenmmanikkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Thrikkur	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kallur Vadakkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kallur Thekkumuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Marathakkara	Thrissur	Thrissur	Kerala	15-12-2002
		Nadathara	Thrissur	Thrissur	Kerala	15-12-2002
		Kayinoor	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 77)	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 81)	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 80)	Thrissur	Thrissur	Kerala	15-12-2002
8.	1455 dated 28-2-2000	Perambra	Mukundapuram	Thrissur	Kerala	15-12-2002
		Aloor	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kodakara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nellayi	Mukundapuram	Thrissur	Kerala	15-12-2002
		Thorava	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nenmanikkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kizhakke Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Padinjare Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kayinoor	Thrissur	Thrissur	Kerala	15-12-2002
		Kozhukully	Thrissur	Thrissur	Kerala	15-12-2002
		Ollukkara	Thrissur	Thrissur	Kerala	15-12-2002
		Mulayam	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 77)	Thrissur	Thrissur	Kerala	15-12-2002
		Peechi (Block No. 79)	Thrissur	Thrissur	Kerala	15-12-2002
9.	2496 dated 14-11-2000	Kallur Thekkumnuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Muringur Thekkummuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kallur Vadakkumnuri	Mukundapuram	Thrissur	Kerala	15-12-2002
		Padinjare Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Kizhakke Chalakkudy	Mukundapuram	Thrissur	Kerala	15-12-2002
		Perambra	Mukundapuram	Thrissur	Kerala	15-12-2002
		Aloor	Mukundapuram	Thrissur	Kerala	15-12-2002

1	2	3	4	5	6	7
		Kodakara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nellayi	Mukundapuram	Thrissur	Kerala	15-12-2002
		Parappukkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Thorava	Mukundapuram	Thrissur	Kerala	15-12-2002
		Nenmanikkara	Mukundapuram	Thrissur	Kerala	15-12-2002
		Thrikkur	Mukundapuram	Thrissur	Kerala	15-12-2002
		Marathakkara	Thrissur	Thrissur	Kerala	15-12-2002
		Kayinoor	Thrissur	Thrissur	Kerala	15-12-2002
		Kozhukkully	Thrissur	Thrissur	Kerala	15-12-2002
		Mulayam	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 77)	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 80)	Thrissur	Thrissur	Kerala	15-12-2002
		Pananchery (Block No. 81)	Thrissur	Thrissur	Kerala	15-12-2002
		Peechi (Block No. 79)	Thrissur	Thrissur	Kerala	15-12-2002
10.	558 dated 15-3-2001	Peechi (Block No. 84)	Thrissur	Thrissur	Kerala	15-12-2002
11.	3176 dated 3-11-99	Pudussery (E) (Block No. 32)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery (E) (Block No. 33)	Palakkad	Palakkad	Kerala	15-12-2002
		Erimayur (Block No. 21)	Alathur	Palakkad	Kerala	15-12-2002
		Alathur (Block No. 28)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 16)	Alathur	Palakkad	Kerala	15-12-2002
12.	3669 dated 16-12-99	Kodumbu (Block No. 46)	Palakkad	Palakkad	Kerala	15-12-2002
		Marutha Road (Block No. 38)	Palakkad	Palakkad	Kerala	15-12-2002
		Elapilly-II (Block No. 39)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-I (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery West (Block No. 36)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 33)	Palakkad	Palakkad	Kerala	15-12-2002
		Alathur (Block No. 28)	Alathur	Palakkad	Kerala	15-12-2002
13.	621 dated 7-3-2000	Kannambra-II (Block No. 34)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-I (Block No. 34)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-I (Block No. 36)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-I (Block No. 35)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 46)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-I (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-II (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 29)	Alathur	Palakkad	Kerala	15-12-2002
		Alathur (Block No. 28)	Alathur	Palakkad	Kerala	15-12-2002
		Erimayur (Block No. 21)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 16)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 15)	Alathur	Palakkad	Kerala	15-12-2002
		Thenkurissi-I (Block No. 18)	Alathur	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 51)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-II (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 46)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 47)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 39)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-I (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery Central (Block No. 34)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 33)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 32)	Palakkad	Palakkad	Kerala	15-12-2002

1	2	3	4	5	6	7
14.	869 dated 19-4-2000	Kannambra-I (Block No. 36)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-I (Block No. 35)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 46)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-II (Block No. 34)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-I (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-I (Block No. 34)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-II (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 29)	Alathur	Palakkad	Kerala	15-12-2002
		Alathur (Block No. 28)	Alathur	Palakkad	Kerala	15-12-2002
		Erimayur (Block No. 21)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 16)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 15)	Alathur	Palakkad	Kerala	15-12-2002
		Thenkurissi-I (Block No. 18)	Alathur	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 51)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-II (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 46)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 47)	Palakkad	Palakkad	Kerala	15-12-2002
		Marutha Road (Block No. 38)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-I (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 39)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery West (Block No. 36)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery Central (Block No. 34)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 32)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 33)	Palakkad	Palakkad	Kerala	15-12-2002
15.	1632 dated 21-7-2000	Kannambra-I (Block No. 36)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-I (Block No. 35)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-II (Block No. 46)	Alathur	Palakkad	Kerala	15-12-2002
		Kannambra-II (Block No. 34)	Alathur	Palakkad	Kerala	15-12-2002
		Vadakkanchery-I (Block No. 44)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-II (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 30)	Alathur	Palakkad	Kerala	15-12-2002
		Kavassery-I (Block No. 29)	Alathur	Palakkad	Kerala	15-12-2002
		Alathur (Block No. 28)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 16)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-I (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 17)	Alathur	Palakkad	Kerala	15-12-2002
		Kozhalmannam-II (Block No. 15)	Alathur	Palakkad	Kerala	15-12-2002
		Thenkurissi-I (Block No. 18)	Alathur	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 51)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-I (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kannadi-II (Block No. 50)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 46)	Palakkad	Palakkad	Kerala	15-12-2002
		Kodumbu (Block No. 47)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 39)	Palakkad	Palakkad	Kerala	15-12-2002
		Elappilly-II (Block No. 40)	Palakkad	Palakkad	Kerala	15-12-2002
		Pudussery East (Block No. 33)	Palakkad	Palakkad	Kerala	15-12-2002
		Marutha Road (Block No. 38)	Palakkad	Palakkad	Kerala	15-12-2002

[F. No. R-31015/3/2001-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1428.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सैक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री आर०एम० पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमीटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : आंकलाव		जिला : आणंद		राज्य : गुजरात	
गांम का	सर्वे	उप-खंड	क्षेत्रफल		
नाम	संख्या	संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
अंबाली	245	2	0	03	50
	136	2	0	01	49
	148		0	05	83
आसोदर	79	1	0	03	66
	1085		0	02	63

[फा. सं. आर-25011/3/2001-ओ आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1428.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Goverment that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4 P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Anklav		District : Anand	State : Gujarat		
Name of	Survey	Sub-	Areas		
Village	No.	Division No.	Hec-tare	Are	Sq. Mtr.
1	2	3	4	5	6
Ambali	245	2	0	03	50
	136	2	0	01	49
	148		0	05	83
Asodar	79	1	0	03	66
	1085		0	02	63

[F. No. R-25011/3/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1429.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सैक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री आर०एम० पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमीटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : आंकलाव		जिला : आणंद		राज्य : गुजरात	
गांव का	सर्वे	उप-खंड	क्षेत्रफल		
नाम	संख्या	संख्या	हैक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
अंबाली	353	3	0	00	58
भेटासी तणपद	150	3	0	06	57
आसोदर	1007		0	13	58
	1080		0	20	89
	1079		0	22	19

[फा. सं. आर-25011/3/2001-ओ आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1429.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Goverment that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4 P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Anklav		**District : Anand**	**State : Gujarat**		
Name of	Survey	Sub-	Areas		
Village	No.	Division No.	Hec-tare	Are	Sq. Mtr.
1	2	3	4	5	6
Ambali	353	3	0	00	58
Bhetasi Talpad	150	3	0	06	57
Asodar	1007		0	13	58
	1080		0	20	89
	1079		0	22	19

[F. No. R-25011/3/2001-OR-I]

RENUKA KUMAR, Under Secy

नई दिल्ली, 14 जून, 2004

का.आ. 1430.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सैक्शन के कार्यान्वयन के लिए एक पाइपलाइनें बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री आर०एम० पंड्या, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : पेटलाद		जिला : आणंद		राज्य : गुजरात	
गांव का	सर्वे	उप-खंड	क्षेत्रफल		
नाम	संख्या	संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
बामरोली	854		0	16	30

[फा. सं. आर-25011/3/2001-ओ आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1430.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipline System;

And, whereas, it appears to the Central Goverment that for the purpose of laying such pipline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4 P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Petlad District : Anand State : Gujarat

Name of Village	Survey No.	Sub-Division No.	Areas		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Bamroli	854		0	16	30

[F. No. R-25011/3/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1431.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सैक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री आर०एम० पंड्या, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : महेमदाबाद जिला : खेडा राज्य : गुजरात

गांव का नाम	सर्वे संख्या	उप-खंड संख्या	क्षेत्रफल		
			हैक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
बीडज	467		0	05	83

[[illegible]]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1431.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam—Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Goverment that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user

therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Mehmedabad District : Kheda State : Gujarat

Name of Village	Survey No.	Sub-Division No.	Area Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Bidaj	467		0	05	83

[F. No. R-25011/4/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1432.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पैट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सैक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री आर०एम० पंड्या, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : महेमदाबाद जिला : खेडा राज्य : गुजरात

गांव का नाम	सर्वे संख्या	उप-खंड संख्या	क्षेत्रफल हैक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
बीडज	660		0	02	22
खेडा	968		0	02	01
खमरवाड	562	1/3सी	0	01	46

[फा. सं. आर-25011/4/2001-ओ आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S.O. 1432.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Goverment that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150

SCHEDULE

Taluka : Mehmedabad District : Kheda State : Gujarat

Name of Village	Survey No.	Sub-Division No.	Areas Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Bidaj	660		0	02	22
Kheda	968		0	02	01
Khumarvad	562	1/3C	0	01	46

[File No. R-25011/4/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1433.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम कोयली सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर बिरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : मातर	जिला : खेडा		राज्य : गुजरात		
			क्षेत्रफल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड स.	हैक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
1. हैजराबाद	6		0	08	09

[फा. सं. आर. 25011/4/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1433.—Whereas, it appears to the Central Government that it is necessary in the publice interest that for the transportation, Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150

SCHEDULE

Taluka : Matar	District : Kheda		State : Gujarat		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Haijarabad	6		0	08	09

[F. No. R. 25011/4/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1434.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम कोयली सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर बिरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : नाडियाद	जिला :खेडा		राज्य :गुजरात		
			क्षेत्रफल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड	सं.	एयर	वर्ग मीटर
1	2	3	4	5	6
दंताली	9		0	07	38
पिपलाटा	66		0	02	59
	1637		0	04	52
केरीयावी	1363		0	01	01

[फा. सं. आर. 25011/4/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. **O. 1434.**—Whereas, it appears to the Central Government that it is necessary in the publice interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Aequisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150

SCHEDULE

Taluka : Nadiad	District : Kheda		State : Gujarat		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Dantali	9		0	07	38
Piplata	66		0	02	59
	1637		0	04	52
Deriavi	1363		0	01	01

[F. No. R. 25011/4/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1435.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम कोयली सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर बिरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : आणंद	जिला : आणंद		राज्य :गुजरात क्षेत्रफल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
मे घवा गाना	196	5	0	10	92
	194	8/2	0	03	67
	193		0	06	47
संदेसर	1418		0	07	17
	1419		0	05	38

[फा. सं. आर. 25011/7/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1435.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Anand		District : Anand	State : Gujarat Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Meghva Gana	196	5	0	10	92
	194	8/2	0	03	67
	193		0	06	47
Sandesar	1418		0	07	17
	1419		0	05	38

[F. No. R. 25011/7/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1436.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पैट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर बिरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : बोरसद		जिला : आणंद	राज्य :गुजरात क्षेत्रफल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
नामन	220		0	12	53
दहेमी	186		0	00	84
	187		0	01	36
	177		0	01	11
	189		0	01	11

[फा. सं. आर. 25011/7/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1436.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 fo 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Borsad		District : Anand	State : Gujarat Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Naman	220		0	12	53
Dehmi	186		0	00	84
	187		0	01	36
	177		0	01	11
	189		0	01	11

[F. No. R. 25011/7/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1437.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पैट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर बिरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : बोरसद		जिला : आणंद	राज्य : गुजरात क्षेत्रफल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड संख्या सं.	हैक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
कसुम्बाड	84		0	07	46

[फा. सं. आर. 25011/7/2001 ओ. आर-I]

रेणुका कुमार, अवर सचिव.

New Delhi, the 14th June, 2004

S. O. 1437.—Whereas, it appears to the Central Government that it is necessary in the publice interest that for the transportation of Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Borsad		District : Anand	State : Gujarat		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Kasumbad	84		0	07	46

[F. No. R-25011/7/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1438.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : आणंद		जिला : आणंद	राज्य :गुजरात क्षेत्र फल		
ग्राम का नाम	सर्वे संख्या	उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
मेघवा गाना	206	2	0	10	93
	206	6	0	01	43
	188	1	0	03	57
	189	4	0	05	00
	184		0	05	84
संदेसर	1651		0	02	55
	1420		0	04	19
	1421		0	01	00

[फा. सं. आर.-25011/7/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1438.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (Crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Anand		District : Anand	State : Gujarat		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Meghva Gana	206	2	0	10	93
	206	6	0	01	43
	188	1	0	03	57
	189	4	0	05	00

1	2	3	4	5	6
	184		0	05	84
Sandesar	1651		0	02	55
	1420		0	04	19
	1421		0	01	00

[F. No. R-25011/7/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1439.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : साणंद जिला : अहमदाबाद राज्य : गुजरात

ग्राम का नाम	सर्वे संख्या	उप-खण्ड संख्या	क्षेत्र फल हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
साणंद	1515	2	0	04	14

[फा. सं. आर.-25011/45/2001-ओ. आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1439.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum (Crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user thereing;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Sanand District : Ahmedabad State : Gujarat

Name of the Village	Survey No.	Sub-Division No.	Area Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Sanand	1515	2	0	04	14

[F. No. R. 25011/45/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1440.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमीटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : विरमगाम जिला : अहमदाबाद राज्य :गुजरात

ग्राम का नाम	सर्वे संख्या	उप-खण्ड सं.	क्षेत्रफल हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सचाणा	1129		0	00	43
	1025		0	05	05
हांसलपुर सेरेश्वर	798	1	0	08	76

[फा. सं. आर. 25011/45/2001-ओ. आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1440.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Viramgam District : Ahmedabad State : Gujarat

Name of the Village	Survey No.	Sub-Division No.	Area Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Sachana	1129		0	00	43
	1025		0	05	05
Hansalpur Sereshvar	798	1	0	08	76

[F. No. R. 25011/45/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जून, 2004

का.आ. 1441.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम कोयली, सेक्शन के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंडया, सक्षम प्राधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो. बा. सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : साणंद जिला : अहमदाबाद राज्य : गुजरात

गांव का नाम	सर्वे संख्या	उप-खण्ड सं.	क्षेत्रफल हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
खोरज	835		0	01	00
खोडा	4	1	0	01	80
	300	7	0	01	48
	233	1	0	00	61
साणंद	1572	1/B	0	01	00
	1687		0	01	58
	2085		0	05	17
सनाथल	677		0	11	00
	891		0	02	37
वसोदरा	317	5	0	29	85

[फा. सं. आर. 25011/45/2001-ओ. आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th June, 2004

S. O. 1441.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation Petroleum (crude) from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Viramgam-Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R. M. Pandya, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), P. B. No. 4, P. O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : Sanand District : Ahmedabad State : Gujarat

Name of the Village	Survey No.	Sub-Division No.	Area Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Khoraj	835		0	01	00
Khoda	4	1	0	01	80
	300	7	0	01	48
	233	1	0	00	61
Sanand	1572	1/B	0	01	00
	1687		0	01	58
	2085		0	05	17
Sanathal	677		0	11	00
	891		0	02	37
Vasodara	317	5	0	29	85

[F. No. R. 25011/45/2001-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 17 जून, 2004

का. आ. 1442.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, उक्त अधिनियम के अधीन, गुजरात राज्य के राज्य क्षेत्र के भीतर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की मुंद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के लिए सक्षम प्राधिकारी के कृत्यों के पालन के लिए श्री आर. बी. सरवइया, प्रांत अधिकारी, अंजार (जिला कच्छ), गुजरात सरकार को प्राधिकृत करती है।

[फाइल सं. आर-31015/6/2004-ओ. आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 17th June, 2004

S. O. 1442.—In pursuaance of Clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes Shri R. V. Sarvaiya, Prant Officer, Anjar (Distt Kutch), Government of Gujarat to perform the functions of the competent authority for Mundra-Delhi Petroleum Product Pipeline of Hindustan Petroleum Corporation Limited, under the said Act, within the territory of the State of Gujarat.

[F. No. R. 31015/6/2004-OR-II]

HARISH KUMAR, Under Secy.

श्रम मंत्रालय

शुद्धिपत्र

नई दिल्ली, 14 मई, 2004

का०आ० 1443.—केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, एर्नाकुलम में पीठासीन अधिकारी के पद पर श्री एन. राजेन्द्रन की नियुक्ति के संबंध में इस मंत्रालय के दिनांक 12-02-2003 की समसंख्यक अधिसूचना में आंशिक संशोधन में, अन्तिम वाक्य को निम्नानुसार पढ़ा जाए :

"श्री एन. राजेन्द्रन केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, एर्नाकुलम में पीठासीन अधिकारी के पद पर 18-07-2005 तक अर्थात् जिस तारीख को वह 65 वर्ष की आयु के होंगे अथवा अगले आदेश होने तक बने रहेंगे"।

[सं. ए-11016/3/2003-सीएलएस-II],

वाई. पी. सहगल, अवर सचिव

MINISTRY OF LABOUR

CORRIGENDUM

New Delhi, the 14th May, 2004

S.O. 1443.—In partial amendment of this Ministry's notification of even number dated 12-2-2003 regarding the appointment of Shri N. Rajendran to the post of the Presiding Officer in the CGIT-cum-Labour Court, Ernakulam, the last sentence should be read as :

"Shri N. Rajendran will continue to hold the post of Presiding Officer of the CGIT-cum-Labour Court, Ernakulam upto 18-7-2005 i.e. the date on which he would attain the age of 65 years or until further orders"

[No. A-11016/3/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 18 मई, 2004

का०आ०. 1444.—राष्ट्रपति, श्री एस.एस. बाल को 11-05-2004 (अपराह्न) से तीन वर्ष की अवधि के लिए केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय-1, नई दिल्ली के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[सं. ए-11016/12/2003-सीएलएस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 18th May, 2004

S.O. 1444.—The President is pleased to appoint Sh. S.S. Bal as Presiding Officer Central Govt. Industrial Tribunal-cum-Labour Court-I, New Delhi, w.e.f. 11-5-2004 (A.N.) for a peroid of three years.

[No. A-11016/12/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 18 मई, 2004

का.आ. 1445.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर (संदर्भ संख्या सी.आर. संख्या 9/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल-22012/310/2000-आईआर (सी एम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 18th May, 2004

S.O. 1445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. C.R. No. 9/03 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 18-5-2004.

[No. L-22012/310/2000-IR(CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",

III Main, III Cross, II Phase, Tumkur Road, Yeshwanthpur, Bangalore-560022

Dated the 6th May, 2004

PRESENT

Shri A.R. Siddiqui,
Presiding Officer

C.R. No. 9/03

I Party	II Party
The General Secretary, F.C.I. Employees Union, FCI, RO, No. 10, P. Kalinga Rao Road, Bangalore-560027	The Regional Manager, Food Corporation of India, No. 1-P, Kalinga Rao Road, Pallavi Complex, Bangalore-560027

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this

dispute vide order No. L-22012/310/2000-IR (CM-II) dated 13th March 2003 for adjudication on the following schedule :—

SCHEDULE

"Whether the Claim of Food Corporation of India Employees Union relating to seniority of Smt. Kusuma Raghotham, Assistant Grade III (A/cs) of F.C.I., Bangalore is maintainable? If yes, to what relief she is entitled to?"

2. Today when the case was taken up for appearance of both the parties, the first party in person and the Second Party through Smt. Moitneyi Mohanty, Dy. Manager (Legal) appeared before the Court and have filed two separate memos stating that the Seniority of the 1st Party Workman has been refixed and consequent upon the refixation of Seniority, Placement of Selection Grade in the post of AG III (A/cs) has also been considered by the C/A vide Order No. 221/2004/E1 dated 29-4-2004 and the same has been served upon the first party vide RO Bangalore Endorsement No. IR/6(1)/2000-ID dated 30-4-2004 and therefore, the proceedings in hand be closed as dispute settled out of the court.

3. Therefore, in the light of the aforesaid memos filed by 1st Party as well as the 2nd Party, the reference on hand is to be disposed off as a dispute settled out of court. Hence the following order :

ORDER

The reference is disposed off as settled out of court. The two memos referred to above filed by the parties shall form the part of award. No costs.

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 18 मई, 2004

का.आ. 1446.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर (संदर्भ संख्या सी.आर. संख्या 28/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल-22012/170/2001-आईआर (सी एम-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 18th May, 2004

S.O. 1446.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. C.R. No. 28/02 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industiral dispute between the management of Food Corporation of India, Regional Office and their workmen, received by the Central Government on 18-5-2004.

[No. L-22012/170/2001-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",

III, Main, III Cross, II Phase, Tumkur Road, Yeshwanthpur, Bangalore-560022

Dated the 6th May, 2004

PRESENT

Shri A.R. Siddiqui,
Presiding Officer

C. R. No. 28/02

I Party	II Party
The Organising Secretary, F.C.I. Loading & Unloading Workers Union, No. 28, Ranja Snow Bldg., S.C. Road, Seshadripuram, Bangalore-560020	The Sr. Regional Manager, Food Corporation of India, Regional Office, No. 10, Pallavi Complex, Kalinga Rao Road, Bangalore-560027

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-22012/170/2001-IR (CM-II) dated 3rd June 2002 for adjudication on the following schedule :—

SCHEDULE

"Whether the Claim of the FCI Loading and Unloading Workers Union for adopting scientific norms in designating workmen presently working as sardars and mandals is legal and justified? If yes, to what relief the dispute union is entitled to?"

2. In response to the notices issued to the parties by this court, both of them have made appearance through

respective counsels. Shri K.T. Govinde Gowda filed his Vakalat for the first party Union signed by the Organising Secretary before this court on 7-8-2002 and thereafter the case underwent several adjournments for filing of the Claim Statement of the first party Union. First Party Union, which raised the dispute and got the matter referred to this Tribunal, has failed to register its Claim Statement justifying its demand made in the reference point. The burden to substantiate the claim as tried to be made out in the reference point squarely casts on the shoulders of the first party Union. It was the first party union to file its Claim Statement agitating its rights so to say the claim made by it against the Second Party Management and then to substantiate the same by way of leading oral or documentary evidence.

3. However, as seen above the first party has not been diligent in putting forth its Claim Statement much less in establishing its case or claim before this court by way of evidence. From the conduct of the first party union what appears is that it has lost its interest in prosecuting the proceedings and in the result there is no point in keeping the matter any more pending. Hence the following award.

ORDER

Reference is rejected for non-prosecution. No costs.

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 19 मई, 2004

का०आ० 1447.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब कोपरेटिव बैंक लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-102/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-5-2004 को प्राप्त हुआ था।

[सं० एल-12012/190/94-आई०आर० (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th May, 2004

S.O. 1447.—In pursuance of Section 17 of the Indus-trial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-102/95) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab Cooperative Bank Ltd. and their workman, which was received by the Central Government on 19-5-2004.

[No. L-12012/190/94-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE,
NEW DELHI

Presiding Officer, R. N. RAI

I. D. No. 102/95

In the matter of :

Kishan Murari

Versus

Punjab Cooperative Bank Ltd.

AWARD

The Ministry of Labour vide its letter No. L-12012/190/94/IR B-II/Central Govt. dt. 23-11-95 has referred the following points for adjudication. The point runs as hereunder :—

> "whether the action of management of Punjab Co-operative Bank in terminating the services of Sh. Kishan Murari w.e.f. 19-2-94 is justified? If not, to what relief the workman is entitled?"

The claimant has filed the statement of claim. In his statement of claim he has stated that the Govt. of India, Ministry of Labour has been pleased to refer to this Hon'ble Tribunal, by virtue of the powers conferred on under Section 10 of the Industrial Dispute Act, 1947, the following Industrial Dispute vide Order No. L-12012/190/94 dt. 23-11-1995 :

> Whether the action of the management of Punjab Co-operative Bank in terminating the services of Sh. Kishan Murari w.e.f. 19-2-94 is justified? If not, to what relief the workman is entitled?"

That the workman was initially given appointment by the bank as Peon-cum-Waterman in May, 1991 for a peroid of 20 days w.e.f. 27-5-1991 to 15-6-1991. A copy of a appointment letter bearing No.382/91 dt. 25-5-1991 issued by the bank to the workman is annexed hereto and marked as annexure W-I.

That the temporary appointment of the workman was extended by the Bank management from time to time and intentional short breaks in service were given by the bank. So that the workman may not claim regular appointment and the attendant benefits. This action on the part of the bank clearly constitutes an unfair labour practices. A copy each of seven more appointment letters as issued by the bank to the workman from time to time are annexed hereto and collectively marked as Annexure W-II.

That the workman continued to work hard and sincerely to the entire satisfaction of the bank with the fond hope that the bank management would one day give

regular appointment. This is proved by this fact that the workman was continued by the bank as Peon-cum-Waterman for over two years.

That instead of taking action to appoint the workman on regular basis in recognition of his faithful and good work, which was assured to him on number of occasions, the bank management in pursuit of its anti labour policies, suddenly removed the name of the workman from the records of the bank in August, 1993 and started paying him wages on vouchers in the name of non-existant workman to destroy evidence of the employment of the workman in the bank. This action of the management is a clear case not only unfair labour practice but also of dishonest and fraudulent conduct.

That suspecting the intentions of the management, the workman became a member of Punjab Co-operative Bank Employee Union some time in the month of December, 1993.

That the said union took up the matter relating to the ill-treatment meted out to the workman by the management, first in giving artificial breaks for short peroids and then in removing his name from the records of the bank and paying him wages in the name of existant workman first with the management and then with the regional labour Commissioner(C) New Delhi.

That as the efforts of the union to resolve the matter mutually did not succeed, the union raised an Industrial Dispute with the Ld. Regional Labour Commissioner (C) N. Delhi vide its letter dated 18-2-1994 pointing out the illegalities and unfair labour practice being committed by the management. The union also brought to the notice of the Regional Labour Commissioner the threat given by the management to terminate the service of the workman if he reported the matter to any Govt. authority. The union accordingly requested the ld. Regional Labour Commissioner to initiate urgent conciliation proceedings in the industrial dispute raised by it and in the mean time, direct the management to maintain *status quo*. A copy of the said letter was also endorsed to the Chief Labour Commisioner (Central) and the Chairman of the Bank, a copy where of is appended here to and marked as annexure W-III.

That immediately on receipt of the copy of the above letter, in total disregard of the law of the land, rules of the natural justice and equity, the management carried out its threat and totally stopped his development in the name of the non-existent 'Ram Yadav' and terminated his service from 19-2-1994.

That after terminating the service of the workman w.e.f. 19-2-1994, the management appointed one Sh. Pradeep in his place, hereby establishing beyond any doubt that the work being done by the workman was regular and perennial nature.

That during the course of conciliation proceeding for resolution of the industrial dispute raised by the Punjab Co-operative Bank Employee Union, the Ld. Asstt. Labour Commissioner (C) requested the bank management to file the attendance particulars of the workman for a peroid of his employment in bank which the management failed to do despite assurances given by them to do so. It is submitted that the non-production/non-filing of the attendance particulars of the workman was clearly malafide and willful. It is necessary in the interest of justice that the management be directed by this Hon'ble Tribunal to produce the original attendance record of the workman or file an attested copy of the same duly supported by an affidavit.

That the conciliation proceedings failed due to the abstinate and obdurate of the bank management and their refusal to do even belated justice to the workman undoing and/or rectifying their wrongful and illegal acts. It is pertinent to mention here that though the union readily agreed to the suggestion of the Ld. Asstt. Labour Commissioner for reference of the industrial dispute to voluntary arbitration, the management rejected the same outright.

That the action of the management in first giving short artificial breaks in service to the workman, thereafter removing his name from the records and paying him wages in the name of non-existant 'Ram Yadav' and finally terminating the service of the workman w.e.f. 19-2-1994 was manifestly illegal, evidently unjust and patently wrong on the following among other Grounds.

Because the workman had put in more than one year of continuous service in the bank.

Because the work being done by the workman was of regular and perennial nature.

Because the bank management did not comply with the mandatory requirements of section 25F of the Industrial Disputes Act, 1974 before terminating from service.

Because no misconduct was even alleged against the workman nor was an opportunity of show cause given to him before throwing the workman on the road.

Because the action of the management amounts to unfair labour practices comprehended by item No. 10 of the Fifth 1947.

Because paying wages to the workman from August 1993 to 18-2-1994 in the name of non-existing 'Ram Yadav' was clearly case of forgery and fraudulent practice.

Because the services of the workman have been terminated on account of his joining the Punjab Co-operative Bank Employees Union and therefore the action of the management constitutes victimization of the workman for bonafide trade union activities.

PRAYER

That in view of the above, it is respectfully prayed this Hon'ble Tribunal may be pleased to :—

(a) hold that the termination of the service of the workman by the management w.e.f. 19-2-1994 is not justified;

(b) That the workman is entitled to re-instatement in service with full back wages and other consequential benefits;

(c) That the management was guilty of unfair labour practices;

(d) Any other relief which this Hon'ble Tribunal may, on the facts and circumstances of the case being fair and just.

The opposite party has filed WS. In the WS it has been stated that the present alleged dispute is not at all maintainable since this Hon'ble Central Govt. Industrial Tribunal does not have any jurisdiction in the matter as Punjab Co-operative Bank Ltd. is not a Nationalised Bank and on this ground only, this present alleged dispute is liable to be rejected.

That Sh. Kishan Murari hereinafter referred as the concerned person, was never a regular employee with the bank as he was working purely as temporary hand against leave vacancies of regular employees of the bank and for limited period and hence the present dispute is not maintainable.

That the present terms of reference has been made mechanically by the appropriate Govt. (Govt. of India Ministry of Labour) without application of mind and hence it is not maintainable.

That the present reference is also bad in law since the concerned person Sh. Kishan Murari have never attained the status of a regular employee as he had never worked for 240 days in a calendar year and the appropriate Govt. ought to have rejected the present case at the conciliation stage only.

That the concerned person had not come to this Hon'ble court with the clean hands and has suppressed many material facts.

That the concerned person has failed to compel with the mandatory directions as given in the terms of reference and has not submitted the documents and list of witnesses with the stipulated period and hence the present alleged dispute is liable to be rejected on this ground alone.

That no proper and valid demand was ever served upon the management or its rejection thereof to constitute an industrial dispute and hence present alleged dispute is not maintainable.

That no industrial dispute existed or was apprehended and hence no reference could have been made and hence the present reference is not maintainable as no relationship of employee and employer existed at any point of time.

That the concerned person Sh. Kishan Murari has himself admitted in his statement of claim that he was not a regular employee of the bank.

That concerned person has got no *locus standi* to raise the present dispute.

That the content of Para No. 1 needs no reply being matter of record.

That the content of Para No. 2 also needs no reply being matter of record.

That the content of Para No. 3 are misconceived, false and hence denied. It is specifically denied that the bank was having any intention of constituting any unfair labour practice. It is however submitted that Sh. Kishan Murari was employed against leave vacancies and was working as purely temporary hand for a limited term. It is also pertinent to point out to this Hon'ble Court that the concerned person in these para has admitted that he was not a regular employee. It is denied that the concerned person worked with the bank for over two years. This has been written only in order to mislead this Hon'ble Tribunal. The applicant was appointed only against leave vacancies and that too with the breaks which occurred naturally, and as per the mandatory provisions, the concerned person never worked for 240 days in an calendar year. Full and final payments was made on every month which was duly signed and accepted by the concerned person and the concerned person in this way accepted that he was purely a temporary hand.

That content Para 5 are totally false, wrong and hence vehemently denied. It is denied that the bank ever assured the concerned person to appoint on regular basis because of his good work. In fact the concerned person never worked hard and question of taking him as a regular employee does not arise because he was working against leave vacancies as a temporary hand. The appointment was a term basis appointment as per the appointment letter issued by the bank, each term automatically ended after expiry of that period. It is specifically denied that the bank started paying wages on vouchers in the name of non-exist workman. The bank has either extended the term of the applicant or the term ended automatically. There is not question of paying wages in the name of non-existent workman. All these malafide contentions have been written in order to mislead contentions have been written in order to mislead this Hon'ble Tribunal and by suppressing the material facts, the concerned person wants to take benefit of his own wrong. The concerned person had accepted the fact that he was not a regular employee that he was a temporary hand.

That the contents of Para No. 6 are totally wrong and hence denied. The concerned person Sh.Kishan Murari was not at all the member of D.C.B.E. Union and no information was ever sent to the bank regarding this by the concerned person.

That the contents of para No. 7 are denied for want of knowledge.

That the contents of Para No.8 needs no reply being matter of record.

That the contents of Para No. 9 are totally false and hence denied. The concerned person was appointed for a limited term period against leave vacancies. The bank takes work from temporary hands as and when required. The concerned person has got no *locus standi* to raise the present dispute.

That the contents of Paras 10-12 are totally wrong hence denied. It is denied that the concerned person worked upto 19-02-1994 and it is also denied that the bank terminated the services. The other contents of Para 10—11 and 12 are also denied being totally misconceived. The bank has got number of permanent employees who are looking after this work and the bank has liberty to keep only those persons against leave vacancy who give maximum output because every organization believes in development.

That the contents of Para No. 13 are totally denied being false and misconceived and merely repetition of previous paras.

The bank appointed the concerned person only against leave vacancies and the breaks were quite natural breaks. The concerned person wants to illegally assert his right by saying that he had been paid in the name of non-existent Ram Yadav. In fact the concerned persons term was discontinued in the year 1993 itself when the bank employees Sh Rakesh Kumar and Sh. Mukesh Kumar had come back to their services. Thereafter his appointment against leave vacancy was automatically over. The applicant has a malafide intentions to mislead the court and by concealing material facts he wants to find place in the bank.

The content of Para A are absolutely wrong. The concerned person never completed the mandatory requirement of 240 days in any calendar year.

The Para B are also denied. The concerned person was purely a temporary hand and that too with breaks even in month. The bank has its permanent employees for this nature of work is of regular nature, a temporary hand is always kept when banks employees go on leave.

The contents of para C are denied being wrongly interpreted. The question of complying the requirement of Section 25 F of Industrial Dispute Act, 1947 does not occur because the concerned person was not a regular employee.

The contents of Para D are denied. The concerned person wants to deviate from the original path. The concerned person was already on road. The bank showed mercy on him by giving him short-term appointments against leave vacanies.

The contents of Para E&F are totally false and hence denied.

The contents of Para G are denied being misconceived and misleading. It is totally denied that the concerned person was the member of co-operative bank employees union.

Prayer clause is also misconceived and hence denied.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to pass a not dipsute Award in the present case with heavy costs and may pass any other order/s as deemed fit in the interest of justice in favour of the management and against the concerned person Sh. Kishan Murari.

Heard Arguments from both the sides and perused papers on the record. It was submitted from the workman side that appointment letter has been given to him from time to time. I perused the appointment letters. Taking into consideration all the appointemnt letters, the total working period does not exceed more than 50 days. It is further submitted that junior to him have been retained in service. He has worked on different names but he has put his signature. So he should be reinstated under Sec. 25 F.

I have perused the cross examination of the workman applicant. He has stated that he was appointed on temporary basis by the Punjab-Co-operative bank and used to be appointed whenever any body went on leave. This statement clearly shows that he was appointed on leave vacancy. He was neither a daily wager nor a muster roll employee. His appointment letters also shows that he has been appointed from time to time for a fix period.

It was submitted from the side of the management that he was an ad-hoc employee and according to AIR 1992 Sc 2070 he has no right to continue in service. My attention was drawn to 1995 (6) SLR 259,1995 (7) SLR 729,1994(7)SLR 160, 1998-II LLJ15-Sc. In all the citations it has been held that an employee who is employed on ad-hoc basis or on temporary basis or leave vacancy has no right to regularisation.

From the side of the workman my attention was drawn to 1987 LAB I.C 1361. This ruling is not applicable as he was appointed on leave vacancy and he has not completed 240 days in a calendar year. So the case of Section 25 F is not made out. The workman is not liable to be regularised or reinstated. The law cited by the management is applicable in the facts and circumstances of the case.

The award is replied thus. The action of the management of Punjab Co-Operative Bank in terminating the services of Sh. Kishan Murari w.e.f 19-2-1994 is justified. The workman is not entitled to get any relief.

Dated 06-05-2004

R.N.RAI, Presiding Officer

नई दिल्ली, 19 मई, 2004

का.आ. 1448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलम (संदर्भ संख्या 80/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल-22012/93/2002-आईआर (सी एम- II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 19th May, 2004

S.O. 1448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 80/02 of the Industrial Tribunal-Kollam as shown in the Annexure, in the industiral dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 18-5-2004.

[No. L-22012/93/2002-IR(CM-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 15th day of April, 2004)

PRESENT

Shri C. N. SASIDHARAN

INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO. 80/02

BETWEEN

The District Manager, Food Corporation of India,
Divisional Office, Changvanam, Kottyam
(By Sri. A.R Ayyappan Pillia, Advocate, Kollam

.....Management

AND

Shri P. K Sasi, Organising Secretary, Food Corporation of India, Workers Union, FCI Depot,
Channaikadu, Kottayam.
(By Sri. M Muhammed Humayoon, Advocate, Kollam)

.....Workman

AWARD

The Government of India by order No. L 22012/93/2002-IR (CM-II) dated 8-10-2002 have referred this industrial dispute for adjudication to this Tribunal.

The issue for adjudications is the following :

"Whether the action of the managment of FCI, Chingavanam Depot in ordering recovery of dumurage charges amounting to Rs. 24,064/- vide order dated 29-8-2001 of the Dist. Manager, Kottayam from 133 workers of Chingavanam Depot is legal and justified? If not, to what relief the workmen are entitle to?"

2. In answer to notice issued from this Tribunal both sides entered appearance and the managment has filed statement advancing their contentions. But the union has not filed claim statement though several postings were given. On 19-2-2004 when this case was taken up, the union and its counsel remained absent. Hence the case was adjourned to 18-3-2004. On that day also the union and its counsel remianed absent without any reason whatsoever. Hence the union was set ex-parte. Though the counsel for management submitted that an affidavit in support of the case of management was being filed it is not filed so far. As the union which raised this dispute failed to comforward and prosecute the matter, it is not necessary to proceed further and no relief need be granted.

3. In view of what is stated above, an award is passed holding that the union is not entitled to get any relief and this reference is answered in the negative.

C. N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 19 मई, 2004

का.आ. 1449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर (संदर्भ संख्या सी. आर. 27/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2004 को प्राप्त हुआ था।

[सं. एल-22012/169/2001-आईआर (सी एम- II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 19th May, 2004

S.O. 1449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government here by publishes the Award Ref. C.R. No. 27/02 of the Central Govt. Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure, in the industiral dispute between the management of Food

Corporation of India, regiohal office and their workmen, received by the Central Government on 18-5-2004.

[No. L-22012/169/2001-IR(CM-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"SHRAM SADAN"

III main, III cross, II phase, Tumkur Road, Yeshwanthpur Banglore-560022

Dated: 6th May 2004

PRESENT

SHRI A. R. SIDDIQUI, PRESIDING OFFICER

C. R NO. 27/02

I Party	II Party
The Organising Secreatry, FCI Loading & Unloading Workers Union, No. 28, Ranja Snow Bldg., S.C Road, Seshadripuram, Bangalore-560020	The Sr. Regional Manager, Food Corporation of India Regional Office, No. 10, Pallavi Complex, Kalinga Rao Road, Bangalore-560027

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-22012/169/2001-IR(CM-II) dated 3rd June 2002 for adjudication on the following schedule:

SCHEDULE

"Whether the claim of the FCI Loading and Unloading Workers Union for the payment of increased tender rate of wages for the earlier period in respect of White-Field (Bangalore) and Unkal (Hubli) Depot is legal and justified? If yes, to what relief the workmen are entitled to?"

2. In response to the notices issued to the parties by this court, both of them have made appearance through respective counsels. Shri K.T Govinde Gowada filed his Vakalat for the first party union signed by the organising Secretary before this court on 7-8-2002 and thereafter the case underwent several adjournments for filing of the Claim Statement of the first party Union. First Party Union, which raised the dipsute and got the matter referred to this Tribunal, has failed to register its Claim Statement justifying its demand made in the reference point. The burden to substantiate the claim has tried to be made out in the refrence point squarely casts on the shoulders of the first party Union. It was the first party union to filed its Claim Statement agitating its rights, so to say, the claim made by it against the Second party Management and then to substantiate the same by way of leading oral or documentary evidence.

3. However, as seen above the first party has not been deligent in putting forth his Claim Statement much less in establishing its case or claim before this court by way of evidence. From the conduct of the first party union what appears is that it has lost its interest in prosecuting the proceedings and in the result there is no point in keeping the matter any more pending. Hence the following award.

ORDER

Reference is rejected for non-prosecution. No costs.

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 20 मई, 2004

का. आ. 1450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या आई. डी. 69/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-5-2004 को प्राप्त हुआ था।

[सं. एल-12012/90/2002-आई.आर. (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th May, 2004

S.O. 1450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. No. 69/2002) of the Central Government Industrial Tribunal/Labour Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 20-5-2004.

[No. L-12012/90/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 25th March, 2004

Present : K. Jayaraman,
Presiding Officer

INDUSTRIAL DISPUTE NO. 69/2002

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their workmen)

BETWEEN

Smt. N. Geetha : I Party/Petitioner

AND

The Assistant General Manager, State Bank of India, Coimbatore, : II Party/Respondent

APPEARANCE:

For the Petitioner : Mr. V. S. Balasubramanian
Authorised Representative

For the Management : M/s. S. Kanniah &
N. Shanmugasundaram.
Advocates.

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-12012/90/2002-IR(B-I) dated 25-07-2002 has referred the following Industrial dispute to this Tribunal for adjudication :—

> "Whether the action of the management of State Bank of India in removing from the services of Smt. N. Geetha is justified ? If not, what relief is she entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 69/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed the Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The Petitioner was working in Coimbatore Main branch of the Respondent/Bank as a clerk and the Petitioner was placed under suspension on 24-4-97. The Assistant General Manager of the Respondent/Bank served a letter calling for her explanation for certain alleged acts. The Petitioner has given her explanation but it was not accepted by the Respondent/Bank and therefore, an enquiry was initiated for the charges framed against her. After the conclusion of the enquiry proceedings, the Enquiry Officer gave his report and findings on 26-5-2000. As per the findings, none of the charges levelled against her were proved except the charge no. 5 which was stated to have been partly proved by the Enquiry Officer. After the enquiry report, the Disciplinary Authority called for submissions from the Petitioner on 29-5-2000 which was complied by the Petitioner on 7-6-2000. After a lapse of six months, the Respondent/Bank addressed the Petitioner on 9-1-2001 proposing the punishment of discharge from service without superannuation benefits as would be due otherwise at the stage and without disqualification from further employment. The punishment proposed was not based on the report of the Enquiry Officer and the punishment was proposed as per order dated 18-12-2000 of the Disciplinary Authority. The order dated 18-12-2000 contained the material, which were not in the Enquiry report and in the findings of the Enquiry Officer. The Disciplinary Authority after accepting the report of the findings of the Enquiry Officer forwarded it to the Petitioner for her comments thereon has not given any reason for rejecting the report and the findings of the Enquiry Officer. The findings of the Disciplinary Authority was not made known to the Petitioner. It was forwarded along with the second show cause notice proposing the punishment. The reasons for differing with the findings of the Enquiry Officer in respect of the charges against the Petitioner, makes the Petitioner feel that the Disciplinary Authority is keen to hold the Petitioner guilty without even specifying as to which rule of the Respondent/Bank or which provision of the Bipartite Settlement has been violated. The conclusion of the Disciplinary Authority is perverse. The Disciplinary Authority has not forwarded the findings to the Petitioner for her comments before he arrived at his decision to impose the penalty or punishment. The denial of such opportunity to the Petitioner is against the principles of natural justice and denial of reasonable opportunity. Therefore, the findings of the Disciplinary Authority is illegal as it is not having bearing to the report of the findings of the Enquiry Officer and he has not followed the principles of natural justice. Therefore, the findings of the Disciplinary Authority is arbitrary, unilaterally and against the principles of natural justice. The error of findings of a fact amounts to an error of law. Even the Appellate Authority has not applied its mind, on the other hand, he has confirmed the punishment imposed by the Disciplinary Authority. Further, even in the enquiry, the copies of documents were denied to the Petitioner and the copies were also marked without examining the author of documents. There has been miscarriage of justice and the Petitioner has been singled out and punished unilaterally which is unjust and improper. Therefore, for all these reasons, the Petitioner prays that an award may be passed in her favour to reinstate her in service with all attendant benefits.

4. As against this, the Respondent in its Counter Statement contended that no doubt the Petitioner was

working in Coimbatore main branch of the bank, when the misconducts proved against her was committed by her. The misconducts are while working as an Assistant at Coimbatore branch on 4-1-97, the Petitioner intercepted from the correspondence section a draft bearing No. 173436 dated 20-12-96 for Rs. 1,01,800/- which was sent towards proceeds of collection for some other account and then prepared a SB credit challan for credit of a dormant S. B. account No. 0237/047369 and she presented the draft fraudulently for credit of the above account. She has also unauthorisedly took possession of the S.B. passbook of the above account with a view to defraud the bank using the similarity in names and she was already aware of this fact by virtue of working in NRI cell at the branch. Secondly, after credit of the proceeds through clearing of draft fraudulently removed by her to the above dormant S.B. account No. 0237/047369 of Mrs. Geetha and Sundarajan withdrew a sum of Rs. 45,000/- by means of withdrawal forms through payment counter and through teller counter at the branch. Thirdly, again with a view to obliterate the traces of her above nefarious acts, she arranged to remove and destroy the relative credit voucher and the voucher packets containing withdrawal slips referred above. Forthly, by her above acts she had defrauded the bank to the tune of Rs. 45,000/- and fifthly she had borrowed from the bank's customers like Mrs. Anuradha Srirangam, Sri Santhanam, Sri K. Natarajan who were all NRO accountholders and Mr. Paulson, retired Tahsildar which is against the conduct rules of Award Staff. Sixthly, she was also conducting chits with staff at branch and some customers of PB division of the branch violating rules of conduct for award staff. This fraud committed by the Petitioner came to light when the original accountholder Ms. Geetha Soundararajan visited the branch on 20-3-97 and verifying the entries in her account informed to the bank that the entries relating to credit of Rs. 1,01,800/- and subsequent debits of Rs. 25,000/- and two debits of Rs. 10,000/- each aggregating to a total debit of Rs. 45000/- did not relate to her account. It was also confimed by Mr. Soundararajan, the joint accountholder. Therefore, she was placed under suspension and explanation was called for and not satisfying with her explanation, the discilinary proceedings was initiated against her. Though the Enquiry Officer has held that except charge no. 5 all the other charges have not been proved and after furnishing the copy of the report to the Petitioner, which opportunity was utilised by the Petitioner, the Disciplinary Authority considered the submissions of the Petitioner against the enquiry report along with enquiry proceedings dissented with the view of the Enquiry Officer and placed his dissenting view in his order dated 18-12-2000 along with the proposed punishment. The Disciplinary Authority laid in the said order, the ground, the evidence and depositions based on which he had arrived to contradict the report of the Enquiry Officer. The Respondent/Bank also immediately preferred a criminal complaint before the police authorities during August, 1999 had informed that the complaint was closed as undetectable. It is false to allege that the order passed by the Disciplinary Authority and the punishment proposed was not based on any evidence. In the order dated 18-12-2000, the Disciplinary Authority has clearly stated that for what reasons he had differed with the findings of the Enquiry Officer. The order passed by the Disciplinary Authorty is in order for the Disciplinary Authority to dissent with the view of the Enquiry Officer and arrive at a decision which may be inconsonance with or contrary to that of the enquiry report. It is false to allege that the Disciplinary Authority exhibited bias in holding the petitioner guilty of charges. It is false to allege that no opportunity was given to the Petitioner, on the other hand, the dissenting views along with the proposed punishment was sent to the Petitioner and she has also availed the opportunity to present the submissions against the said observations in the personal enquiry and the subsquent appellate proceedings. It is also false to alleged that the principles of natural justice has not been followed. The act of Disciplinary Authority in differing with the view of the Enquiry Officer which by itself is legally permissible cannot by itself temed to a fresh show cause notice or fresh charge sheet. The charges framed against the Petitioner have been proved in the enquiry which solely points out to the misconducts committed by the Petitioner. The integrity is expected in its highest column which an employee of the bank. Hence, when an employee breaches the integrity and commits fraud not only the name of institution suffers but the basis on which the banking institution function is put into question. The Petitioner having committed the misconduct and misappropriated the public money and having caused loss of confidence, the Petitioner cannot claim to be reinstated in the service of the Respondent/ Bank. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the action of the Respondent/ Management in removing from the services of Smt. N. Geetha is justified ?"

(ii) "To what relief the Petitioner is entitled ?"

Point No. 1 :—

6. In this case, the Petitioner namely Smt. N. Geetha was in the service of the Respondent/Bank since 1984. In April, 1997 the Respondent/Bank pending initiation of enquiry, suspended the Petitioner on 24-4-97 under Ex. W1. After the lapse of two years, the charge sheet dated 6-4-99, marked as Ex. W4 was served on the Petitioner. In the charge sheet six charges have been framed against her. The first charge against the Petitioner is that she intercepated from the correspondence section a draft bearing No. 173436 dated 20-12-96 for Rs. 1,01,800 which was sent towards proceeds of collection for some other account and then

prepared a SB credit challan for credit of a dormant S.B. account No. 0237/047369 and she presented the draft fraudulently for credit of the above account and unauthorisedly took possession of the S.B. passbook of the above account with a view to defraud the bank using the similarty in names of the account holder and the Petitioner and she was already aware of this fact by virtue of working in NRI cell at the branch. The second charge is after credit of the proceeds through clearing of draft fraudulently removed by her to the above dormant S.B. acoount and the Petitioner withdrew a sum Rs. 45,000/- by means of withdrawal forms through payment counter and through teller counter at the branch. The third charge is with a view to obliterate the traces of her above nefarious acts, she arranged to remove and destroy the relative credit voucher and the voucher packets containing withdrawal slips referred above. The fourth charge is that she had defrauded the bank to the tune of Rs. 45,000/-. The fifth charge is that she had borrowed from the bank's customers like Mrs. Anuradha Srirangam, Sri Santhanam, Sri K. Natrajan who were all NRE account holders and Mr. Paulson, retired Tahsildar which is against the conduct rules of Award Staff and the sixth charge is that the Petitioner was also conducting chits with staff at branch and some customers of PB division of the branch violating rules of conduct. In this case, Enquiry Officer was deputed and after following the procedure, the enquiry Officer held that except the fifth charge, all the other charges framed against the Petitioner have not been proved by the Respondent/ Bank. After that the Petitioner was called for to submit representation to the enquiry officer's report. After the receipt of the submissions, the Disciplinary Authority differed with the findings of the Enquiry Officer has given the proposed punishment of removal from service and also required for personal hearing. At this stage, we have to know whether the Disciplinary Authority has given an opportunity to the Petitioner with regard to his findings. But, I find the Disciplinary Authority has not given any opportunity to the Petitioner with regard to his findings that the charges have been proved. Though he had stated on 18-12-1997 he has passed the order, the said order was sent to the Petitioner alongwith the second show cause notice namely with the proposed punishment.

7. At this stage, the Authorised Representative for the Petitioner argued that though the Disciplinary Authority has got every power to disagree with the findings of the Enquiry Officer, the Disciplinary Authority must have given an opportunity to the Petitioenr to go through his findings with regard to the charge. But, in this case, the Disciplinary Authority has not given any opportunity and it is against the principles of natural justice. He has relied on the rulings reported in 1998 II LLJ 809 PUNJAB NATIONAL BANK Vs. KUNJ BEHARI MISRA AND 2001 LIC 2453 A. K. GAUR Vs. CENTRAL BANK OF INDIA. In the first case, the Supreme Court has held that *"when the enquiry is conducted by the Enquiry Officer, his report is not final or conclusive and the disciplinary proceedings do not stand concluded. The disciplinary proceedings stand concluded with the decision of the Disciplinary Authority. It is the Disciplinary Authority which can impose penalty and not the Enquiry Officer. Where the Disciplinary Authority itself holds the enquiry, an opportunity of hearing has to be granted by him. When the Disciplinary Authority differs with the view of the Enquiry Officer and proposes to come to a different conclusion, there is no reason as to why an opportunity of hearing should not be granted. it will be most unfair and iniquitous that where the charges officers succeed before the Enquiry Officer, they were deprived of representing Disciplinary Authority before the authority differs with the Enquiry Officer's report and while recording the findings of guild imposes the punishment on the officer. In such circumstances, the charged officer must have an opportunity to represent before the Disciplinary Authority before final findings on the charges are recorded and the punishment imposed. As a result thereof, whenever the Disciplinary Authority disagrees with the Enquiry Officer on any article of charge, then before it records its findings on such charge, it must record its tentative reasons for such disagreement and to give the delinquent officer an opportunity to represent before it records its findings..... Principles of natural justice require the authority which has to take a final decision and can impose penalty to give an opportunity to the officer charge with the misconduct to file representation before the Disciplinary Authority records his findings on the charges framed against the officer."* In the second authority, the same view has been expressed by the Allahabad High Court.

8. On the other hand, the learned counsel for the Respondent argued that though in this case, the Disciplinary Authority has not given any opportunity before differing with the enquiry report, the Disciplinary Authority has given personal hearing to the Petitioner and even at the personal hearing, the Petitioner has given written submissions and also the Appellate Authority has given an opportunity for the Petitioner to contradict the findings of the Disciplinary Authority. Under such circumstances, it cannot be said that there is violation of principles of natural justice.

9. But, I find there is no point in this argument because, the Supreme Court has clearly stated that the Disciplinary Authority before recording its own findings, it must record itself the tentative reasons for such disagreement and to give the delinquent officer an opportunity to represent before it records its findings. In this case, the said procedure has not been followed and therefore, I find the findings of the Disciplinary Authority is in clear violation of natural justice.

10. Again, the Authorised Representative for the Petitioner argued that the Disciplinary Authority's finding

against each charge is also perverse and he demonstrated before the Court with regard to first charge, he has stated that he has not accepted the findings given by the Enquiry Officer and he has stated that he has gone into the case and the circumstances by which the fraud had taken place at the branch and with the circumstantial evidence he held that the charge has been proved. But he has not stated what are the circumstances which proved the guilt against the Petitioner. The Authorised Representative argued that is clearly establishes his pre-determined mind to punish the employee. He further argued that with regard to withdrawal of amount namely the second charge, through the Enquiry Officer has held that the charge has not been proved, as no material evidence has been produced by the management. The Disciplinary Authority has based his opinion on the statement given by the bank staff Sri Venkatakrishnan and Sri G. Thomas before the investigating official and he has come to the conclusion that the charge against the employee has been proved. But, in this case even the Enquiry Officer without following the procedures have marked the statement without examining the concerned witnesses. No doubt, it is stated that the investigating official Mr. Devadoss has recorded the statement of S/Sri Venkatakrishnan and Thomas, neither the said investigating official nor the witnesses who alleged to have given the statements were examined before the enquiry. But, strangely, the statements said to have been given by the witnesses have been marked by the Presenting Officer in the enquiry. Any how, without giving an opportunity to the concerned employee and without examining the said investigating official, the said documents cannot be relied on by the Enquiry Officer and the Enquiry Officer has come to the right conclusion that no material evidence has been produced before the enquiry. As against this, the Disciplinary Authority who has already come to a conclusion to punish the concerned employee, has given a perverse finding that the statement given by the said persons namely Sri Venkatakrishan and Sri G. Thomas before the investigating offical will prove the guilt against the concerned employee. But none of the above persons have put before the enquiry and no opportunity was given to the concerned employee to cross examination of the said persons. as such the findings of the Disciplinary Authority to perverse. Again, the authorised representative argued that with regard to the charge Nos. 3 and 4 against the Petitioner are that she has be nefarious activities destroyed the concerned vouchers and also has made loss to the tune of Rs. 45,000 to the Respondent/Bank. Here also, the Enquiry Officer has held that no material evidence was forthcoming from the side of the Respondent/Management and the charges are not proved against the Petitioner. But, strangely, the Disciplinary Authority without giving any opportunity to the Petitioner has come to the conclusion that the Petitioner persuaded Mr. Selvaraj to remove the paid vouchers from the voucher packets without creating any suspicion in the division and destroyed the vouchers in an intelligent manner. But, here again without an iota of evidence and without any proof, he has come to the conclusion on surmise. The authorised representative furher arued that with regard to the fifth charge namely the Petitioner has borrowed money from the customer of the bank, and though one Ms. Anuradha Srirangam, customer of the bank was examined in the enquiry, and though the Enquiry Officer has held that charge against the Petitioner has been partly proved, there is no proof that money was given to the Petitioner as loan and there is no complaint by Ms. Anuradha Srirangam with regard to this loan. This said Ms. Anuradha has stated that she has given Rs. 50,000 to the Petitioner's husband Mr. Giridharan for purchase of shares for which the Petitioner has promised to return, in case, shares have not been purchased. But, there is no proof for lending money as loan with petitioner. As such, here again neither the Enquiry Officer nor the Disciplinary Authority has stated under what circumstances, they have come to the conclusion that borrowing of money by the petitioner has been proved by the Respondent/ Management. Again, the authorised representative for the Petitioner argued that with regard to charge No. 6 namely the Petitioner has conducted chits which is against the conduct rules and doing an act prejudicial to the interest of the bank. Though there is an admission that the Petitioner was promoting group savings in the bank amongst staff members and the Petitioner as a coordinator of the group savings scheme conducted the said chit and it is the further evidence of Mrs. Subashini, Assistant of the branch that the Petitioner has not received any monetary benefits by this scheme. Under such circumstances, the Disciplinary Authority has not stated how this act of the Petitioner is prejudicial to the interest of the bank and therefore, the findings of the Disciplinary Authority is perverse and he has not given any opportunity to the Petitioner before come to the conclusion that the charges have been proved against the Petitioner.

11. But, as against this, the learned counsel for the Respondent argued that departmental enquiry is not a criminal proceedings and the depart mental authorities can come to a conclusion from the inference drawn from the materials placed before them and it is also open to the authorities to draw such inferences and he relied on the rulings reported in AIR 1969 SC 966 RAILWAY BOARD, NEW DELHI AND ANOTHER Vs. N. SINGH, wherein the Supreme Court has held that "*it is not necessary to go into the question whether the hearsay evidence can be relied on at all in an enquiry under Article 311 and if so within what limits. Some of the inferences drawn by the General Manager were objected to by the counsel for the Respondent. They appear to be inferences of fact evidently drawn from the material before him and as such cannot be properly objected to and it was open to him to draw those inferences.*" Relying on this decision, the counsel

for the Respondent argued that the Disciplinary Authority who differed with the finding given by the Enquiry Officer has come to the conclusion from the inferences drawn from the circumstances shown in the enquiry. Under such circumstances, it cannot be said that the finding given by the Disciplinary Authority is perverse. Again, the learned counsel for the Respondent argued that where the officer has acted in a manner as would reflect on his reputation, good faith or devotion to duty and if there is *prima-facie* any material to show recklessness or misconduct in discharge of his duty and if he is acted in a manner which is unbecoming of an employee of the bank and if he had negligently or omitted the prescribed conditions which are essential for exercise of statutory power, if he had acted in order to unduly favour a party and if he had been actuated by corrupt motive, however, small the bribe may be because Lord Coke said long ago though the bribe may be small, yet the fault is great. Under such circumstances, the Disciplinary Authority can take disciplinary action against the erred employee. In this case, it is clearly established in the enquiry that the Petitioner had made loss to the tune of Rs. 45,000 of the bank and she has misappropriated the said amount with the connivance of some of the staff members and therefore, the conclusion arrived at by the Disciplinary Authority cannot be questioned before this Tribunal. He further argued that even though the criminal proceedings have been ended without any enquiry, the Petitioner cannot take advantage of the circumstances, because the departmental enquiry is an independent and in that enquiry, it was clearly established that the charges framed against the Petitioner have been proved. Under such circumstances, by no stretch of imagination, it can be said that the findings of the Disciplinary Authority is perverse or one sided.

12. Though, I find some force in the argument of the learned counsel for the Respondent, since the Disciplinary Authority has not followed the principles of natural justice and since he has not given an opportunity before he came to the different conclusion that the Enquiry Officer, and since the Disciplinary Authority without basing any material evidence has come to the conclusion that the Petitioner has done the misdeeds, I find the finding of the Disciplinary Authority is perverse and he has not followed the principles of natural justice. Therefore, I find this point in favour of the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled?

13. In view of my finding above, I find the Petitioner Smt. N. Geetha is entitled to the relief as claim by her. Therefore, I direct the II Party/Management State Bank of India to reinstate the Petitioner Smt. N. Geetha into service with back wages, continuity of service and other attendant benefits. No Costs.

14. The reference is answered accordingly.

(Dictated to the P.A, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th March, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Workman : Nil

For the II Party/Management : MW1 Sri K.S. Raman

Documents Marked :—

For the I Party/Workman :

Ex. No.	Date	Description
W1	24-04-97	Xerox Copy of the suspension order issued to Petitioner
W2	17-11-98	Xerox Copy of the show cause notice issued to Petitioner
W3	12-12-98	Xerox Copy of the reply given by the Petitioner
W4	06-04-99	Xerox Copy of the charge sheet issued to Petitioner
W5	03-05-99	Xerox Copy of the reply given by the Petitioner
W6	24-08-99	Xerox Copy of the letter from Disciplinary Authority to the Petitioner
W7	17-11-99	Xerox Copy of the letter from Enquiry Officer to the Petitioner
W8	07-01-2000	Xerox Copy of the letter from Presenting Officer to the Enquiry Officer.
W9	20-01-2000	Xerox Copy of the letter from Presenting Officer to the Enquiry Officer
W10	26-05-2000	Xerox Copy of the findings and report of the Enquiry Officer
W11	29-05-2000	Xerox Copy of the letter from Disciplinary Authority to Petitioner
W12	07-06-2000	Xerox Copy of the letter from Petitioner to Disciplinary Authority.
WI3	09-01-01	Xerox Copy of 2nd show cause notice issued to Petitioner
W14	22-01-01	Xerox Copy of the letter from Petitioner to Disciplinary Authority.

W15	27-12-01	Xerox Copy of the letter from Disciplinary Authority to the Petitioner
W16	05-02-01	Xerox Copy of the letter from Petitioner to Disciplinary Authority
W17	14-02-01	Xerox Copy of the letter from Disciplinary Authority to Petitioner
W18	09-03-01	Xerox Copy of the letter from Disciplinary Authority to Petitioner
W19	16-04-01	Xerox Copy of the appeal preferred by Petitioner
W20	21-04-01	Xerox Copy of the letter from Appellate Authority to Petitioner
W21	02-05-01	Xerox Copy of the letter from Petitioner to Appellate Authority
W22	03-05-01	Xerox Copy of the letter from Appellate Authority to Petitioner
W23	21-05-01	Xerox Copy of the minutes of personal hearing
W24	11-06-01	Xerox Copy of the letter from Appellate Authority to Petitioner
W25	27-07-01	Xerox Copy of the letter from Petitioner to Regional Labour Commissioner, Chennai raising industrial dispute
W26	29-10-01	Xerox Copy of the reply submitted by the Respondent Before Assistant Labour Commissioner (Central)
W27	Nil	Xerox Copy of the enquiry proceedings

For the II Party/Management :—

Ex No.	Date	Description
M1	18-12-2000	Xerox Copy of the order of the Disciplinary Authority.

नई दिल्ली, 24 मई, 2004

का. आ. 1451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या आई डी-80/2000, 67 से 70, 84, 133, 340, 341, 343, 510, 551 तथा 694/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल.-12012/201/2000-आई.आर. (बी.-I);

सं. एल.-12012/347/2000-आई.आर. (बी.-I);

सं. एल.-12012/229, 231, 236, 239, 233, 228, 242, 243, 237, 238, 42, 667, 426/98-आई.आर. (बी.-I);

सं. एल.-12012/226 और 339, 171/99-आई.आर. (बी.-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th May, 2004

S.O. 1451.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-80/2000, 67 to 70, 84, 133, 340, 341, 343, 510, 551 and 694/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 24-5-2004.

[No. L-12012/201/2000-IR(B. I);
No. L-12012/347/2000-IR(B. I);
No. L-12012/229, 231, 236, 239, 233, 228, 242, 243, 237, 238, 42, 667, 426/98-IR(B. I);
No. L-12012/226 & 339, 171/99-IR(B. I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 5th February, 2004

PRESENT : K. JAYARAMAN, Presiding Officer

Industrial Dispute Nos. 80/2000, 67 to 76, 84, 133, 340, 341, 343, 510, 551 & 694/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their workmen].

S. No.	I. D. No.	TNID/ CGID No.	Reference No. & Date	Name of the I Paty S/Shri	Name of the II Party	Appearance for workman	Appearance for Respondent
1	2	3	4	5	6	7	8
1.	80/2000	...	L-12012/201/2000/ IR(B-I) dt. 10-10-2000	R. Elangovan	Assistant General Manager, State Bank of India, Zonal Office, Chennai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Sri K.S. Sundar & R. Uma Maheshwari, Advocates
2.	67/2001	TN ID No. 8/99	L-12012/243/98/ IR(B-I) dt. 07-01-1999	K. Balasundram	Assistant General Manager, State Bank of India, Zonal Office, Tiruchirappalli.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate
3.	68/2001	TNID No. 9/99	L-12012/229/98/ IR(B-I) dt. 07-01-1999	R. Arigamuthu	Assistant General Manager, State Bank of India, Zonal Office, Tiruchirappalli.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate
4.	69/2001	TNID No. 10/99	L-12012/231/98/ IR(B-I) dt. 07-01-1999	K. Kannan	Assistant General Manager, State Bank of India, Zonal Office, Madurai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Veeramani, Advocate
5.	70/2001	TNID No. 11/99	L-12012/236/98/ IR(B-I) dt. 07-01-1999	P. Subburaj	Assistant General Manager, State Bank of India, Zonal Office, Madurai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Veeramani, Advocate
6.	71/2001	TNID No. 12/99	L-12012/239/98/ IR(B-I) dt. 07-01-1999	K. Chandran	Assistant General Manager, State Bank of India, Zonal Office, Madurai	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Veeramani, Advocate
7.	72/2001	TNID No. 13/99	L-12012/233/98/ IR(B-I) dt. 07-01-1999	B. Nagendran	Assistant General Manager, State Bank of India, Zonal Office, Tiruchirappalli.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate

1	2	3	4	5	6	7	8
8.	73/2001	TNID No. 14/99	L-12012/228/98/ IR(B-I) dt. 07-01-1999	G. Settu	Assistant General Manager, State Bank of India, Zonal Office, Tiruchirappalli.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate
9.	74/2001	TNID No. 15/99	L-12012/242/98/ IR(B-I) dt. 07-01-1999	T. Veerapandian	Assistant General Manager, State Bank of India, Zonal Office, Tiruchirappalli.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate
10.	75/2001	TNID No. 16/99	L-12012/237/98/ IR(B-I) dt. 08-01-1999	M. Chelladurai	Assistant General Manager, State Bank of India, Zonal Office, Madurai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Veeramani, Advocate
11.	76/2001	TNID No. 17/99	L-12012/238/98/ IR(B-I) dt. 08-01-1999	A. L. Sekar	Assistant General Manager, State Bank of India, Zonal Office, Madurai	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Veeramani, Advocate
12.	84/2001	TNID No. 25/99	L-12012/42/98/ IR(B-I) dt. 'Nil'	S. Pandurangan	Assistant General Manager, State Bank of India, Zonal Office, Trichy/ Madurai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. F. B. Benjamin George, Advocate
13.	133/2001	TNID No. 103/99	L-12012/84/99/ IR(B-I) dt. 16-06-99	Smt. Chinnaponnu	Assistant General Manager, State Bank of India, Z. O. Chennai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. S. Sundar, R. Uma Maheshwari, Advocates
14.	340/2001	—	L-12012/339/99/ IR(B-I) dt. 29-12-2000	M. Devaraj	The General Manager, State Bank of India, Z. O. Trichy	Sri. V. S. Balasubra-manian, Authorised Representative	Mr. K. S. Sundar, R. Uma Maheshwari, Advocates
15.	341/2001	—	L-12012/226/99/ IR(B-I) dt. 29-12-2000	T. Mariayappan	Assistant General Manager, State Bank of India, Z. O. Trichy	Sri. V. S. Ekambaram, & V.S. Balasu-bramanian, Authorised Representative	Mr. K. S. Sundar, R. Uma Maheshwari, Advocates

1	2	3	4	5	6	7	8
16.	343/2001	—	L-12012/347/2000/ IR (B-I) dt. 05-1-2001	J. Arunachalam	Assistant General Manager, State Bank of India, Chennai.	Sri. V. S. Balasubra-manian, Authorised Representative	Mr. K. S. Sundar, R. Uma Maheshwari, Advocates
17.	510/2001	—	L-12012/171/99/ IR (B-I) dt. 23-01-01/ 5-2-01	M. Jayakumar	Assistant General Manager, State Bank of India, Z.O., Madurai.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Chandra-sekaran Authorised Representative
18.	551/2001	TNID No. 37/99	L-12012/667/98/ IR (B-I) dt. 24-02-99	S. Raman	Assistant General Manager, State Bank of India, Z.O. Coimbatore.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. Chandra-sekaran Authorised Representative
19.	694/2001	CGID No. 342/99	L-12012/426/98/ IR(B-I) dt. 11-02-99	N. Anandarasu	Assistant General Manager, State Bank of India, Trichy.	Sri. V. S. Ekambaram, Authorised Represen-tative	Mr. K. S. Sundar, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Orders mentioned in column No. 4 above has referred these 19 disputes to this Tribunal for adjudication. On receipt of the 5 references mentioned at serial numbers 1,14,15,16 and 17, from the Ministry for adjudication, they were taken on file by this Tribunal as I.D. Nos. 80 /2000, 340, 341, 343 and 510/2001 respectively. With regard to the references mentioned in serial numbers 2 to 13 and 18, they were earlier referred to Tamil Nadu State Industrial Tribunal, Chennai for adjudication and on the constitution of this Tribunal, they were transferred to this tribunal and the same were renumbered as I. D. Nos. 67—76/ 2001, 84, 133 and 551/2001 respectively. With regard to the references mentioned in Serial No. 19, it was earlier referred to Tamil Nadu Principal Labour Court and on constitution of this Tribunal, the said industrial dispute was transferred to this tribunal and the same was renumbered as I.D. No. 694/2001. Notices were issued to both the parties and the I Party/Workmen entered appearance through their authorised representatives and the II Party/Management entered appearance through their advocates and filed their respective claim statements and counter statements.

2. The schedules mentioned in these 19 orders of references are as under :—

I. D. No. 80/2000 :—

"Whether the action of the State Bank of India in terminating the services of Sri R. Elangovan is justified ? If not, what relief the workman is entitled?"

I. D. No. 67/2001 :—

"Whether the demand of the workman Sri K. Balasundaram, Wait list No. 322 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 68/2001 :—

"Whether the demand of the workman Sri R. Anganuthu, Waitlist No. 320 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?

I. D. No. 70/2001 :—

"Whether the demand of the workman Sri P. Subburaj, Waitlist No. 355 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 71/2001 :—

"Whether the demand of the workman Sri K. Chandran, Waitlist No. 288 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 72/2001 :—

"Whether the demand of the workman Sri B. Nagendran, Waitlist No. 652 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 73/2001 :—

"Whether the demand of the workman Sri G. Settu, Waitlist No. 612 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 74/2001 :—

"Whether the demand of the workman Sri T. Veerapandian, Waitlist No. 45 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 75/2001 :—

"Whether the demand of the workman Sri M. Chelladurai, Waitlist No. 295 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 76/2001 :—

"Whether the demand of the workman Sri A. L. Sekar, Waitlist No. 305 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 84/2001 :—

"Whether the demand of the workman Sri S. Pandurangan, Waitlist No. 411 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief is he entitled ?"

I. D. No. 133/2001 :—

"Whether the action of the management of State Bank of India, Chennai in denying employment to Smt. Chinnaponnu, Sweeper cum Water woman of the Royapettah Branch of the management Bank with effect from 1-4-97 is justified ? If not to what relief Smt. Chinnaponnu is entitled ?"

I. D. No. 340/2001 :—

"Whether the demand of the workman Sri M. Devaraj; Waitlist No. 435 for restoring the Wait List of temporary messengers in the establish-ment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ?"

I. D. No. 341/2001 :—

"Whether the demand for the workman Sri T. Mariyappan, Waitlist No. 621 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If not, to what relief is he entitled ?"

I. D. No. 343/2001 :—

"Whether the termination and non- regularisation of Shri J. Arunachalam is legal and justified ? If not, to what relief is the workman entitled to?"

I.D. No. 510/2001 :—

"Whether the action of the management of State Bank of India, in not regularising the services of Shri M. Jayakumar, temporary messenger is justified and legal ? If not, to what relief the concerned workman is entitled ?

I. D. No. 551/2001 :—

"Whether the demand for the workman Sri S. Raman, Waitlist No. 222 for restoring the Wait List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief the said Workman is entitled ?"

I. D. No. 694/2001 :—

"Whether the demand for the workman Sri N. Anandarasu, Waitlist No. 478 for restoring for List of temporary messengers in the establishment of State Bank of India and consequential appointment thereupon as temporary Messenger is justified ? If so, to what relief the said workmen entitled ?"

3. In all these cases, the claim of the Petitioners are common. Both sides have made an endorsement to the effect that the evidence taken in I.D. No. 80/ 2000 may be treated as evidence in all other cases and a joint trial may

be ordered. The Joint memo has been recorded and the evidence was taken in I.D. No. 80/2000 and therefore, a common award is passed in all these cases.

4. The common allegations of the Petitioners in the Claim Statements are briefly as follows :

The Petitioner was sponsored by Employment Exchange for the post of sub-staff in Clause IV cadre in the Respondent/Bank and he after due process of selection was engaged as a messenger against a regular post at Villupuram Main branch on monthly wages as per Bipartite Settlement from 9-1-1981 onwards. In order to give regular absorption to all those temporary messengers who have completed 90 days of service as on 31-10-84. the Respondent/Bank interviewed all the eligible temporary employees including the Petitioner during 1985 and Wait Listed them as per strict seniority of their initial date of entry into service. The respondent/Bank did not publish the wait list nor given any permanent appointment till 1986 in spite of Representation. Then the State Bank Employees Union, in which the Petitioner is a member filed a Writ Petition in the Supreme Court of India in W.P. Civil No. 542/87 to issue an appropriate Writ and also to quash the arbitrary illegal circulars which enabled the termination of services of temporary employees in Class IV cadre. During the pendency of the Writ, the Respondent/Bank entered into a settlement with All India State Bank of India Staff Federation for giving a chance for permanent absorption of temporary employees who were in service during that period. Therefore, the Petitioner Union withdrew the Writ Petition with a liberty to resort to other remedies open to the Petitioner under law. After the withdrawal of the Writ Petition, the Respondent/Bank issued an advertisement in The Hindu dated 1-8-88 in which Class-IV temporary employees were called upon to apply for permanent absorption, in the prescribed format. Accordingly, the Petitioner has submitted his application with relevant particulars and he was interviewed in June/July, 1989. But the Respondent/Bank has not announced the wait list of those persons who have completed 90 days of service as on 31-10-84. The interview committee took note of the Petioner's first date of entry into service. Thereafter, the Petitioner in I.D. 80/2000 was informed orally 1990 to join at Villupuram Main Branch where he initially worked from 9-1-81. While working at Villupuram, the Respondent/Bank orally conveyed to the Petitioner that as the wait list stood lapsed, his services are not required any more. The Petitioner's representation both oral and written to the Respondent/Bank to reconsider its decision proved futile. Hence, he raised an industrial dispute and due to its failure, it was referred to this Tribunal. In terms of para 3 of the Settlement, the Respondent/Bank ought to have filled up all the vacancies [existing and future] with persons like the Petitioner who had put in 90 days or more service as on 31-10-84 and who were interviewed and waitlisted before offering appointments to the three categories of temporary employees referred to in para 1 of the Settlement dated 17-11-1987 But the Respondent/Bank in contravention of the terms of the settlement has been offering appointments to persons who fell within one or other three categories mention in para 1 of the Settlement to the exclusion of the Petitioner and similar others. The Petitioners have preferential right of employment over the three categories of persons mentioned in para 1 of the settlement. Therefore, the action of the Respondent/Bank is arbitrary, discriminatory and contrary to the provisions of Settlement. The advertisement in 'The Hindu' dated 1-8-88 only temporary employees who worked on monthly wage basis (on time scale) asper Bipartite Settlement like the Petitioner were eligible for permanent appointment. While so, the respondent/Bank issued another advertisement in 'The Hindu' on 1-5-91 calling for applications from those who worked on causal and daily wage basis for regular absorption ignoring the rights of temporary employees already waitlisted during the year 1985 and also those who were interviewed as per the advertisement dated 1-8-88. Hence, the Petitioner Union has filed a Writ Petition before the High Court in W.P. No. 7872/91 in which interim injunction and notice was ordered. In spite of the injunction, the Respondent/Bank conducted the interview as advertised for the casual and daily wage employees who had worked between 1-7-75 and 14-8-91 and prepared a wait list and merged it with the wait list of temporary employees already prepared as per the settlement dated 17-11-1987. Admitted, both monthly wages and daily wagers formed two different and distinct groups who were interviewed and empanelled separately. Merging of the waiting lists of monthly wagers with daily wagers resulted in treating unequals with equals which is opposed to law, which is arbitrary and discriminatory and illegal. In subsequent settlement purporting to alter any terms of the settlement dated 17-11-1987 under section 18(1) of the Industrial Disputes Act, 1947 is not binding on the members of the State Bank Employees' Union as they were not a party to the subsequent settlement. Further, the categorisation of temporary employees into A,B & C based on the number of days they were allowed to work is bad in law. It should have been based on the seniority of first date of entry into service in accordance with the provisions of Section 25 G and 25H of the Industrial Disputes Act. Even the Ministry of Finance vide communication No. F.3-3-104/87/IR dated 16-08-90 directed the Public Sector banks to regularise the services of temporary employees and non-observance of the instructions is a serious violation to the detriment of the temporary employees like the Petitioner. Further, preparation of wait list is not based on strict seniority. Respondent/Bank is adopting all unfair labour practice to get the work done in Class IV cadre after termination of the services of the Petitioner. The Petitioner's right to regular employment is preserved under law as well as under Settlement and therefore, there is no question of

ignoring the claim for regular employment in the Respondent/Bank . Hence, the Petitioners pray that the termination of their service is illegal, unjust and to direct to reinstate the Respondent/Bank to reinstate them in service with all attendant benefits, continuity of service.

5. As against this, the Respondent in its Counter Statement denied all the allegations of the Petitioners in the Claim Statements. Further, it is stated that the petitioner has not worked for 240 days in a continuous block in the preceding twelve calendar months as provided under section 25B of the Industrial Disputes Act. Hence, he is not entitled to any permanent appointment. Due to the exigencies of circumstances and on account of urgent needs several branches of State Bank of India throughout the country resorted to temporary engagement of temporary messengers against leave vacancies. Such temporary messengers were numerous and were demanding employment and their causes were espoused by the State Bank of India Staff Federation and therefore, the Respondent/Bank and the federation have entered into settlement wherein three categories namely temporary employees who have completed 240 days of continuous work during a period of twelve calendar months and the temporary employees who have worked for 270 days aggregate temporary service in a continuous block of 36 calendar months and thirdly, temporary employees who have completed minimum 30 days aggregate temporary service in any calendar year after 1-7-75 or minimum 90 days aggregate service in any continuous block of 36 calendar months after 1-7-75 subject to other eligibility criteria. This settlement was entered into on 17-11-1987 as the first Settlement between the Federation and the Respondent/Bank. Subsequently, Second Settlement was executed on 16-7-88 and 3rd Settlement was entered into on 27-10-88 and further a settlement was entered into on 9-1-91 as 4th Settlement and lastly, on 30-7-96 the 5th Settlement was entered into between the Respondent and the Federation. Accordingly, the temporary employees were considered and wait lists were drawn and the temporary employees were appointed as hereunder—Out of the eligible temporary employees who were considered for waitlisting, 652 temporary employees were waitlisted and 212 waitlisted candidates were appointed and other wait lisited candidates were not appointed as the wait list lapsed. The Petitioner in I. D. 80/2000 was wait listed as a candidate at serial No. 576. Therefor, he was engaged against vacancies until the vacancy was filled up by another senior wait listed temporary employee and such engagement does not confer on the Petitioner any right except the right under first Settlement and hence the claim of the Petitioner that he is eligible for permanent appointment is in correct and in valid. Even the Supreme Court has held in number of cases that inclusion of candidates in a merit list does not confer any right for selection and further the Apex Court has held if the wait list is for a specified period and if it lapses the wait listed persons do not have any further right under the wait list and further if there is no vacancy, wait list candidates have no right for appointment. The settlements were entered into considering the enormity of the situation, bona fide and are valid and binding on all the employees including the Petitioner/Workman. The claim of the Petitioner that he should be permanently appointed in terms of the settlement is in contravention of the aforesaid five settlements and the workman is estopped from making such a claim. The allegations of the Petitioner are vague and not maintainable. The Petitioner was engaged only for 531 days from the year 1985 to 1995 and he did not work for 240 days in a continuous block of twelve calendar months and he has no right to claim appointment or for absorption under law. therefore, his non-engagement is legal and justified. Since he was placed as wait list candidate at Serial No. 576, he cannot be permitted to question the settlement and he is estopped. Like the Petitioner there were 440 wait listed candidates who were not appointed and the Petitioner cannot jump over the rights of other senior wait listed candidates and claim permanent appointment. For all these reasons, the respondent prays that the claim of the Petitioners may be dismissed.

6. In these circumstances, the points for my determination are.—

(i) "Whether the action of the Respondent/Bank in terminating the services of the Petitioners is justified ?

(ii) "To what relief the Petitioners are entitled ?"

Point No. 1:—

7. In this case, it is an admitted fact that the Petitioner and other persons have been employed by the Respondent/Bank during the period 1-07-75 to 31-12-87 as temporary sub-staff against the permanent vacancies and the Respondent/Bank had given periodical breaks and substituting them by others. Only to get regularised in their services, the Union, in which the Petitioners attached has filed a Writ Petition before the Supreme Court and during the pendency of the Writ Petition, the Respondent/Bank entered into a settlement with All India State Bank of India Staff Federation for giving a chance for permanent absorption of temporary employees, who were in service during the period and it is also admitted that the bank and the federation had entered into five settlements namely the 1st settlement entered into on 17-11-1987, the 2nd settlement was entered into on 16-07-88 3rd settlement was entered into on 27-10-88, 4th settlement was entered into on 09-01-91 and the 5th settlement was entered into on 30-07-96. The clause 7 of the First Settlement is "the suitable candidates will be wait listed in order of their respective categories and temporary services put in the Bank from 1-7-75 to 31-12-87 and any other date so fixed by the bank." This panel will be valid upto December, 1991. In Clause II of the 2nd Settlement the cut off date of 31-12-91 was amended as 31-12-92 and in Clause 1 of 4th

Settlement, the cut off date of 1992 was amended as 31-12-1994. While so, in Clause (b) of the 3rd Settlement introduced another category of that both the panels of temporary employees (daily wage/casual) were also included in the list and para 3 of 5th Settlement dated 31-12-94 mentioned in the 4th Settlement was amended and extended upto 31-3-97.

8. The Petitioner in this I.D. and the Petitioners in other I.Ds. have stated that they belong to separate category namely temporary employees of scale wages and the 1st settlement was entered into between the Respondent/Bank and Federation only says this category of people alone. While so, the 3rd Settlement entered into between the Respondent/Bank and Federation have included also daily wager(s) which is a separate category, ignoring the rights of temporary employees already wait listed during the year 1985 and also those who were interviewed as per advertisement dated 1-8-88 and this Federation even though entered into a settlement, it was known to the Petitioners and the Union attached to the Petitioners and they were not party to the said settlement. Further, the Union in which the Petitioners are attached, had withdrawn the Writ Petition filed before the Supreme Court, before which the settlement dated 17-11-87 was only placed by the Respondent/Bank which does not contain any provision for alteration or modification and therefore, to regularise the services of temporary employees and non-observance of the instructions is a serious violation, which is detriment to the temporary employees like the Petitioner. According to the Petitioner, since the Petitioner of this Industrial Dispute and other Petitioners in other Industrial Disputes in this batch are monthly wagers and they are different groups while the daily wagers formed another group, who were interviewed and impanelled separately and therefore, merging the wait list of monthly wagers with the daily wagers resulted in treating unequals with equals which is opposed to law. Therefore, clause 1(a) of the Settlement dated 27-10-88 providing equal opportunity to unequals namely casual and daily wagers is arbitrary and discriminatory and illegal.

9. On the Petitioner side, the Petitioner Sri R. Elangovan in I.D. No. 80/2000 was examined as WW1 and on his side one Mr. V.S. Ekambaram was examined as WW2 and marked documents as Ex. W1 to W 18 on their side. On the side of the II Party/Management one Sri. R. Subramanian was examined as MW 1 and documents Ex. M 1 to M 10 were marked. On the side of the Respondent/Bank wait list with regard to temporary messengers were marked as Ex. M9.

10. On behalf of the Respondent, it was argued that due to exigencies, the Respondent/Bank resorted to temporary engagement of temporary messengers and such of those employees were demanding permanent employment and the State Bank of India Staff Federation took up the matter and therefore, a settlement was entered into in consideration of various aspects. Similarly, 2nd, 3rd, 4th and 5th settlements were also executed. In terms of 1st and 2nd settlement certain categories of employees, who have worked as subordinate cadre from 1-7-75 to 31-7-88 who were eligible and were entitled to get a chance for being considered as permanent appointment, subject to conditions mentioned therein. Accordingly, 1307 temporary employees out of 3164 were absorbed. The Petitioners in this industrial disputes were wait listed and hence, it is not open to them to question or cancel the same and claim priority in appointment and they are estopped by conduct. As per the 5th settlement, wait list lapsed on 31-3-97 and even assuming that the Petitioners' names were appeared in merit list, it will not confer any right for selection and it was also held by the Supreme Court in number of cases that wait listed persons do not have any further right in the wait list. Under such circumstances, the claim of the Petitioners is to be rejected.

11. But, as against this, on behalf of the Petitioners, it is contended that the 3rd Settlement in the year 1988 is not a settlement to replace 1987 settlement and it only a supplement to 1987 settlement and even in 1987 settlement, it deals only with employees who were paid scale wages, while so, the settlement 1988 dealt with daily wages/casual employees of Clause IV category, who were paid wages daily on mutual agreement basis. Even in this 3rd Settlement, it is clearly stated that these two categories formed two distinct and separate clause and wait list also should be maintained separately and they cannot treat these two categories as one group and it is discriminatory and arbitrary and not sustainable in law.

12. But, as against this, the Respondent contended that only as per the settlement entered into between the Respondent/Bank and Federation the wait list were prepared and maintained till 31-3-97. The Petitioner has accepted that he was wait listed as per the settlement and therefore, he cannot question the wait list prepared by the Respondent/Bank. Under such circumstances, there cannot be any violation of the conditions mentioned in the settlement. Further, the learned counsel for the Respondent further argued that merely because the Petitioners have been in wait list, they do not get any vested right to get appointment and he relied on the rulings 1997 4 SCC 282 SANJAY BHATTACHARJEE *Vs.* UNION OF INDIA in which the Supreme Court has held that "*merely because the Petitioner has been placed in waiting list he does not get vested right for any appointment, it is not his case that anyone below his ranking in the wait list has beeen appointed which could give his cause for grievance, thus, he cannot seek any direction for his appointment*" and he has also relied on rulings 1997 6 SCC 584 SYNDICATE BANK AND OTHERS *Vs.* SHANKAR PAUL AND OTHERS wherein the Supreme Court has held that "*we are of the opinion that the Respondents did not get any right because of inclusion of their names in the said panel for permanent*

absorption in the service of the bank. Whatever conditional right they had come to an end with the expiry of the panel. The claim of the Respondents as contained in the Writ Petition was thus misconceived . . ." and further argued that the Petitioner cannot jump over the rights of other senior wait listed candidates and claim permanent appointment. It is the further argument of the learned counsel for the Respondent that the Supreme Court in 1991 3 SCC 47 SHANKARASAN DASH *Vs.* UNION OF INDIA held that "*ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the state is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up vacancies has to be taken bona fide for appropriate reasons . . . The appelllant had not acquired the right to be appointed against the vacancy arising later on the basis of any of the rules*" and further argued that in this case, the date fixed in the 5th Settlement is 31-3-1997 and after that that there was no extension for the said date and therefore, the Petitioner cannot claim any right to make him permanent on that score. After the due date fixed by settlement, he has no right to claim any priority over others. It is the further argument of the learned counsel for the Respondent that even assuming for an argument sake that the Petitioner can claim regularisation, the regularisation may arise when the initial entry of the Petitioner against and the available vacancy is found. In AIR 1997 SC 1628 it is held by the Supreme Court that "*back door entries for filling up such vacancies have got to be strictly avoided. However, there would never arise any occasion for regularising the appointment of an employees whose initial entry itself is tainted and is in total breach of the requisite procedure of recruitment and especially when there is no vacancy on which such an initial entry of the candidate could ever be effected. Such an entry of an employee would remain tainted from the very beginning and no question of regularising such an illegal entrant would ever survive for consideration, however competent the recruiting agency may be.*" When there is no vacancy, the Respondent/Bank cannot be compelled to regularise the services of the Petitioners in these industrial disputes.

13. As against this , the learned counsel for the Petitioner argued that even assuming for an argument sake that settlement entered into by the Federation is binding on the Petitioner/Petitioners in other Industrial Disputes, it is clearly established by Ex. M 9 that the wait list has not been prepared as per the clause in the settlement namely the Respondent has combined both the categories and prepeared one wait list for both categories, when the clause of the Settlement has clearly stated that for these two categories wait list must be prepared separately and should be maintained separately.

14. I find much force in this contention because clause 1(a) of the 4th settlement namely Ex. M 4 clearly stated "*in simplification of clause 7 of the settlement dated 17th November, 1987, as modified by Settlements dated 16-7-1988 and 27-10-1988, interviews for permanent appointment will be conducted by selection committee(s) separately for temporary employees and daily wagers and (separate) panels prepared accordingly.*" On contrary to this clause, the Respondent/Bank has maintained only one wait list combining the list of candidates covered in 1987 settlement and 1988 settlement, though they formed two different, distinct and separate groups/classes. Therefore, I find the Respondent/Management is not justified in considering these two categories as one and the denial of employment to the seniors like the Petitioners, while engaging their juniors who were casual employees and it amounts to illegal termination of the employees, even though their employment was temporary in nature. Even in this case, the Respondent/Bank has stated that they have released the selection list in the zonal level, there is no evidence to show that the selected list has been published in the Zonal Office of the Respondent/Bank and also they have not released the wait list, till they have produced before this Court under cover as 'confidential'. Therefore, till this date, the Petitioners have no chance to look into the wait list and to question the placement of the persons in the wait list. Though the Respondent/Management has mentioned that the Petitioner in this Industrial Dispute has been placed at serial number 576, they have not furnished any details with regard to the persons mentioned in the wait list and there is no details about their initial apppointment or the period of service etc., whether they are daily wagers or temporary (monthly scale wagers) etc. Therefore, I find the wait list prepared by the Respondent/Bank is not in accordance with the settlement entered into by the Respondent/Bank and the Federation and therefore, the termination made by the Respondent/ Bank with regard to the Petitioner in this Industrial Dispute and the petitioners in other Industrial Disputes in this batch is not valid under law. As such, I find this point in favour of the Petitioners.

Point No. 2

The next point to be decided in this case is to what relief the Petitioners involved in these industrial disputes are entitled?

15. In view of my finding that the waitlist prepared by the Respondent/Bank in terms of the settlement as alleged by them is not valid, I find the Petitioners in these industrial disputes are entitled to the relief. But, with regard to back wages, the Petitioners were terminated from service in the year 1997 and since the matters are pending more than six years, I find the Petitioners are not entitled to any back wages and with regard to reinstatement in service of the II Party/Management, continuity of service and other attendant benefits, they are entitled to the relief. Ordered accordingly. No Costs.

16. The references are answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 5th February, 2004).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Workman : WW 1 Sri R. Elangovan
WW 2 Sri V.S. Ekambaram

For the II Party/Management : MW1 Sri R. Subramanian

Documents Marked :

For the I Party/Workman :

Ex. No.	Date	Description
W 1	8-2-88	Xerox copy of the Supreme Court order in W.P. No. 542 of 1987.
W 2	17-11-95	Certificate of Mr. Elangovan issued by Respondent.
W 3	Aug. 1990 to Jan. 1993	Statement showing number of days worked by Mr. Elangovan.
W 4	1-8-88	Paper publication in The Hindu.
W 5	16-8-90	Xerox copy of the circular issued by Ministry of Finance to Chief Executives of all banks.
W 6	Nil	Extract from approach paper on the issue of Temporary employees.
W 7	Nil	Reference book on staff matters Vol. II Award Staff State Bank of India Local Head Office upto 31-12-93.
W 8 series	20-4-88	Xerox copy of the administrative guidelines Issued by Respondent/Bank for implementation of Ex. M 1.
W 9 series	1-8-88	Paper publication in Hindu and Daily Thanthi with Regard to notice under section 25H of I.D. Act.
W 10	24-4-91	Xerox copy of the circular issued by Respondent to all branches.
W 11	6-8-91	Xerox copy of the circular issued by Respondent to all branches.
W 12 series	20-8-91	Advertisement in Hindu and Daily Thanthi.
W 13	30-11-87	Xerox copy of the D.O. letter from Ministry of Labour to Chief Officer, State Bank of India Bombay.
W 14	29-12-87	Xerox copy of the D.O. letter from Ministry of Labour to Chief Officer, State Bank of India Bombay.
W 15	23-7-99	Xerox copy of the order of High Court in W.P. No. 7872/91.
W 16	25-10-99	Xerox copy of the order of High Court in CWMP No. 16288/99 in W.A. No. 1892/99.
W 17series	Nil	Xerox copy of the circular issued by Respondent Regarding appointment of temporary employees to All branches.
W 18	10-10-90	Xerox copy of the letter from Respondent to Ministry of Finance, New Delhi.

For the II Party/Management :

Ex. No.	Date	Description
M 1	17-11-87	Xerox copy of the settlement between Respondent and the AISBI Staff Federation.
M 2	16-7-88	Xerox copy of the settlement between Respondent and the AISBI Staff Federation.
M 3	27-10-88	Xerox copy of the settlement between Respondent and the AISBI Staff Federation.
M 4	9-1-91	Xerox copy of the settlement between Respondent and the AISBI Staff Federation.
M 5	30-7-96	Xerox copy of the settlement between Respondent and the AISBI Staff Federation.
M 6	Nil	Xerox copy of the wait list pertaining to temporary Messengers of State Bank of India.
M 7	Nil	Xerox copy of the wait list pertaining to temporary Messengers of State Bank of India.
M 8	Nil	Xerox copy of the wait list pertaining to temporary Messengers of State Bank of India.
M 9	Nil	Xerox copy of the wait list pertaining to temporary Messengers of State Bank of India.
M 10	9-6-95	Xerox copy of the minutes of conciliation proceedings Before Regional Labour Commissioner (C), Hyderabad.

नई दिल्ली, 24 मई, 2004

का. आ. 1452.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कमकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या आई डी-142/2001) के प्रकाशित करती है, जो केन्द्रीय केन्द्रीय सरकार, को 24-5-2004 को प्राप्त हुआ था।

[फा. सं. एल-41012/40/2001-आई (आर बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th May, 2004

S. O. 1452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-142/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 24-5-2004.

[F. No. L. 41012/40/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 142/2001
Ref. No. L-41012/40/2001/IR (B-I) dt. 3-9-01

BETWEEN:

Sri Dina Nath Tewari, Divisional Organisation Secretary, Uttar Railway Karmchari Union, 119/74, Naseemabad, Kanpur U.P. 208001

AND

The Divisional Railway Manager
Northern Railway
Allahabad-211006

AWARD

The Government of India, Ministry of Labour vide order No. L-41012/40/2001/IR(B-I) dated 3-9-2001 has referred the following issue for adjudication :

> "Whether the action of the management of Divisional Railway Manager, Northem Railway, Allahabad in not giving Seniority and promotion awarding to Sri Mukhram Ram S/o Sri Puroshattam Ram, Fitter Gr. II w.e.f. 20-6-96 according to his services in electric Loco shed is Justified? If not, what relief he is entitled?"

Divisional Organisation Secretary has filed the statement of claim alleging that worker Mukhram is working in the capacity of fitter Gr. II in Rs. 4000-6000 pay scale under mobile staff of Sr. Divisional Electrical Executive Engineer, N. R. Kanpur. Such worker was primarily appointed in Concrete sleeper plant, Subedarganj, Allahabad as Fitter Gr. II and vide the order of DRM, NR circular No. EMC/CLP/Closure dated 18-6-96 and vide order of Concrete sleeper plant office order No. 280/96 dated 19-9-96 he was declared surplus and was transferred to Divisional Office Allahabad. Later on he gave his joining at Divisional Office Allahabad on 20-6-96 and vide order of Divisional Personal Officer No. 940/E/E. SM-1 Non running/Loose dated 24-7-96 and vide order dated 25-7-96 of the Sr. Divisional Electrical Engineer mobile staff Northern Railway No. 230/V/Chal Staff/Kanpur-1-III dated 25-7-96, he was posted at Loco Shed Kanpur and the worker joined the duties there at Loco Shed Kanpur on 25-7-96. It is further alleged that according to the Railway Board letter No. E-N. G/11-84/RE-1/10, dated 21-4-89 (printed circular No. 9880) the workers, who are declared surplus are entitled to their natural seniority. The employees of steam shed on their transfer to Electric Loco Shed, Kanpur have been given such seniority and therefore all worker who are declared surplus on account of administrative reasons are entitled to complete seniority. Worker has been requesting for such seniority but he was asked for giving him option for the lowest seniority of direct appointment which is not according to the rules and therefore union has prayed that Mukhram be placed at his seniority in Fitter Gr. II considering his previous services and accordingly he should be given all consequential benefits and promotion together with difference of wages with interest.

The management has filed the written statement. The management has alleged that employees of Allahabad Division who have lien with Division and as such the same is applicable to the surplus employees of Steam Shed and other of the same division to give them the seniority benefit. It has been appointed out that the concrete sleeper plant, Subedarganj, Allahabad unit is not the part of the Allahabad Division. It is quite a seperate unit. The work and production of this unit is quite different and separate seniority list and other service conditions is maintained of the employee working in that unit. Thus printed Circular No. 9880 as pointed out by the union is not applicable to this case. The worker was already been informed about the same vide letter No. 755/E/EM/NR/Artigen/Variyata dt. 9-8-99 by railway in respect of promotion/seniority of the worker. The worker was duly and clearly informed that if he wanted to take the benefit of seniority and promotion under Allahabad Division then he will have to opt and accept the bottom

seniority and pay scale under the provision of direct recruitment. In fact order of 1996 surplus employees of the Steam Loco Shed given benefit or seniority under the provision of printed circular No. 9880 because they were employee of Allahabad Division and their seniority and promotion was to be fixed by Allahabad Division. It has been made clear that construction/project Unit of which worker was the employee does not comes under the control of Allahabad Division. If such employee are absorbed in any other unit with their seniority the employee who are already working in the division will be put to substantial injury and against the relevant rules. It has further been made clear that the employee who were discharged as surplus employees from concrete sleeper plant and had not given their option to accept the minimum seniority are being absorbed against the supernumery post of concrete sleeper plant of Allahabad Division and they will continue to have their lien to the concrete sleeper plant unit and will not be entitled to seniority and promotion in Allahabad Division unless they gave their consent to bottom seniority. It was duly informed to the claimant and other employees similarly situated vide letter No. CSP/Aid/E-30/Stha/2344 dated 19-6-96 that they are being posted in Allahabad Division against his supernumery post of concrete sleeper plant and till they do not opt bottom seniority as per rule their lien will be continued in concrete sleeper plant. As such conditions claim is not maintainable. It has been pointed out that posting of the worker Mukhram in the present post in Allahabad Division is made out of concrete sleeper plant against supernumery post with the free consent of the worker and since the worker has opted the present posting he can not after word at later stage make any complaint/protest in the matter. In view of the above facts and circumstances of the case the engagement of the worker in the present post is quite fit, legal and appropriate and as per rule and justified.

The union in his rejoinder has alleged that the concerned workman Mukhram has been absorbed in Electric Loco Shed, Kanpur under the order issued by the Chief Personal Officer, NR, New Delhi under whom Allahabad Division and concrete sleeper plant are situated and controlled. The concerned workman is actually entitled to his original Seniority.

The union has filed following photo copies of the documents.

1. Application of Mukhram dated 16-4-96.

2. Photo copy of the worker Mukhram application dated 19-7-99 address to Sr. Divisional Electrical Engineer Mobile Staff, Kanpur.

3. Photo copy of postal receipts No. 545 to 547.

4. Photo copy of Railway Board letter dated 30-6-59 and 21-4-89.

5. Photo copy of DRM Office N. R. Allahabad dated 22-11-96.

The opposite party has filled the letter of Divisional Personal Officer dated 29-8-99 address to Mukhram, paper No. A2-96.

Order dated 19-6-96 of Sr. Engineer, Allahabad.

Union has not produced any evidence of Mukhram in spite of several opportunities.

Management has examined Head Clerk Sri S.C. Pandey.

Heard learned representative of the parties and perused the evidence.

Sri S.C. Pandey has proved on oath that concrete sleeper plant, Subedarganj, Allahabad unit is not part of Allahabad Division of Northern Railway and concrete sleeper plant, Allahabad is seperate unit. Sri S. C. Pandey has also proved that the nature of production of concrete sleeper plant is different and since it was different unit and therefore its seniority was seperate than the worker of the N. R. employee (DRM office).

Accordingly to Sri S. C. Pandey in case worker joins Allahabad Division from different unit in that case he will be put to the bottom of the seniority. It is admitted fact that the worker was the employee of concrete sleeper plant, Allahabad and was engaged as fitter Gr. II but since that unit was closed and therefore its employees became surplus and as such the employees of concrete sleeper plant Allahabad were absorbed in the Allahabad Division against supernumery post. Accordingly as per the order of NR 280/96 dated 19-6-96. Mukhram was transferred alongwith supernumery post.

Witness has explained that in the category of supernumery means that the employees from Sl. No. 1 to 43 shall received the wages from the head of concrete sleeper plant and in case any of them accept bottom seniority from the date of their option such employee will be entitled to the seniority. Mukhram has not exercised his option and therefore he is not entitled to any seniority in the Allahabad Division.

Regarding surplus employee of Steam Loco Shed kanpur and Tundla, the witness said these employees shall be entitled to the seniority because they were the employee of the Allahabad Division.

The witness has stated that the worker Mukhram was clearly told that he is being transferred to electrical Engineer Shed kanpur on supernumery post due to declared surplus. This was made clear in the better dated 24-7-96 Sri S. C. Pandey filed the said letter dated 19-4-96 and 9-8-99 in the court. He since the orders passed were accordingly to the policy of the Railway Board.

The witness Sri S. C. Pandey has cross examined by the union representative. When Sri pandey was confronted with the printed circular No. 9880 of the Railway Board, he state that the said circular is applicable in case of Steam Loco Sheds. Marshalling Yards employees and the said circular was not issued in respect of the sleeper plant, Allahabad and the same is clear by para 1 of the said circular. Consequent on the change of traction and fuel or part closure of steam loco shed, marshalling yards, goods sheds and others reduntants as sets certain guidelines have already been issued from time to time regarding the absorption and utilisation of surplus staff.

Learned representative of the worker has argued that it is provided in the circular No. 9880 that deploying the surplus staff in other unit/deptt. which constitute different seniority list the following method can be adopted.

If a small number of staff are being retrenched and they have to be transferred to various units of other departments against vacancies duly sanctioned posts they can be suitability adjusted in those units with their full seniority and merging their seniority with respective units.

When large number of staff are being rendered surplus and they are being transferred to new units that are being set up like traction relling stock overhead equipment, new electric loco sheds etc. they should be given their full seniority and there should be no difficulty in redeploying the staff with suitable re-training in identical scales and suitable grades. No minimum educational qualifications should be prescribed and the scale criteria and the sole critera would be their ability to absorb remaining/conversion training and pass the necessary tests at the end of training and course the medical fitness.

Sri Pandey has filed the order No. 280/96 of Sr. Engineer, Concrete Sleeper Plant, Allahabad. there are a small number of employees such fitter Gr. II operator II, Electrical Fitter II etc. and there are as many as 44 employees the name of Mukhram is placed at Sl. No. 42. This order does not go to show that the worker shown in that list have been transferred in DRM, NR, Allahabad against vacancy duly sanctioned instead they were transferred on supernumery post in Allahabad Division. It is also provided in the said order that all employees will continue to work as supernumery of concrete sleeper plant, Allahabad unless and until they do not accept the bottom seniority of direct recruits. It is also provided in the said order that they will not claim the seniority and promotion in Allahabad Division of Northern Railway till exercise their option.

Firstly the circular No. 9880 has been issued with regard to closure of the Steam Shed marshalling yards, goods shed and other reduntant as sets. It does not include concrete sleeper plant and therefore concrete sleeper plant employee are not entitled to guidelines issued above. It has been proud by the management witness that the worker Mukhram was made every thing clear before his transfer to Allahabad Division of Northern Railway. The seniority of regular employees of Allahabad Division, Northern Railway can not be transferred as they are not the parties in the present case. The worker has been transferred from seperate unit to the Allahabad Division of Northern Railway and on specific conditions that he shall remain on supernumery post of concrete sleeper plant. Allahabad he can not claimed seniority over the regular employees of Allahabad Division of Northern Railway and as such the action of the management of DRM. Northern railway is justified and the issue is answered in affirmative in favour of the management and accordingly the worker is not entitled to any relief.

Lucknow
20-5-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 25 मई, 2004

का. आ. 1453.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार त्रिवेणी इंजीनियरिंग व इंडस्ट्रीज लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या आई डी-101/2001) (टी एनआई डी-53/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[फा. सं. एल-30012/127/98-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S. O. 1453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/2001) (TNID-53/99) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Triveni Engineering & Industries Ltd. and their workman, which was received by the Central Government on 24-5-2004.

[F. No. L.-30012/127/98-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 24th March, 2004

PRESENT :

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 101/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 53/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Triveni Engineering & Industries Ltd. and Sri N. J. Prim).

BETWEEN :

Sri N.J. Prim	:	I Party/Petitioner

AND

The Manager (Personnel & Admn.) Triveni Engineering & Industries Ltd. (Oil & Gas Division)	:	II Party/Management
Formerly Triveni Oil Field Service Ltd. New Delhi.		

APPEARANCE :

For the Petitioner	:	M/s. R. Viduthalai & S.C. Herold Singh & R. Revathy, Advocates,
For the Management	:	M/s. N.V.S. & Associates, Advocates

AWARD

The Central Government, Ministry of Labour *vide* Notification No. L-30012/127/98/IR (C-I) dated 15-03-1999 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 53/99 and issued notices to both the parties. and both the parties entered appearance through thier advocates and the I Party/Petitioner filed his Claim Statement. After the constitution of this Central Govt. Industrial Tribunal cum-Labour Court, the said industrial dispute was transferred to this Tribunal and after getting the records of this dispute, it was taken on file as I.D. No. 101/2001 and notices were issued to both sides and the Respondent/Management has filed their Counter Statement.

2. The schedule mentioned dispute in the order of reference is as under :—

"Whether the termination of the workman Sri N.J. Prim by the management of Triveni Engineering & Industries Ltd. (formerly Triveni Oil Field Services Ltd.) is justified? If not to what relief the workman is entitled?"

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Respondent/Management is a joint venture company between Triveni Engineering Works Ltd. and Pool Co., USA, undertaking the job of drilling for extraction of oil from the earth. The Petitioner was appointed as Assistant Driller. He was initially put on probation for a period of six months subject to the terms and conditions contained in the annexure to the order of appointment. The Petitioner is a workman as per section 2(s) of the Industrial Disputes Act, 1947. The Petitioner discharged his duties diligently and sincerely as a result of which his services were confirmed and subsequently, he was promoted as driller and on and from 1-3-2004 on the basic salary of Rs. 4,000/- which was subsequently enhanced to Rs. 4,500/-. While so, the Petitioner was dehired by the Respondent by a letter dated 4-4-96 with effect from 18-5-96 without issuing any show cause notice or enquiry at all. All the requests and demands made by the Petitioner ended in vein. The Respondent dehired the Petitioner stating that the Petitioner had no work in rig on the contrary, in the place of the Petitioner one Mr. Arumugam was substituted and this amounts to an act of victimisation. The Petitioner while working as Driller has refused to co-operate for the personal obligation of Rig in-charge and this resulted in illegal dehiring of the Petitioner. Since the Petitioner is a workman as defined under section 2(s) of the Industrial Disputes Act, 1947 and since he has worked more than 12 hours per day and since he used to get instructions from the superior officers namely Rig in-charge and he used to carry out the earmarked duties thereby, the question of managerial or supervisory cadre does not arise in the cadre of the Petitioner. His work was purely to carry out the instructions of one Mr. S. K. Minocha, Rig in-charge. He was doing only drilling work and the work operations clearly falls under a technical cadre and therefore, he is only a workman. Therefore, the termination of the Petitoner is illegal and without following the provisions of the Industrial Disputes Act, 1947 and it amounts to retrenchment as defined under section 2(oo) of the Industrial Disputes Act, 1947. Further, the Respondent has not complied with the provisions of Section 25F of the Industrial Disputes Act, 1947 which is mandatory requirement and therefore, the order of termination is null and void. Since the termination of the services of the Petitioner being amounts to retrenchment, the provisions of Section 25G were also violated. Hence, for all these

reasons the Petitioner prays that an award may be passed in his favour.

4. As against this, the Respondent in its Counter Statement contended that the I Party Petitioner being management staff under the terms of contract of employment, he is not the subject matter under provisions of Industrial Disputes Act, 1947 as neither by functions nor by salary and as such, he fails to fall under the definition of workman. The II Party/Management does not have any establishment office, factory at Chennai and is not a situs of employment and consequently the issue could not have been referred to this Tribunal under section I0 of Industrial Disputes Act. The appointment letter was issued to the Petitioner by the II Party/ Management on 5-5-89 and along with the appointment letter, the terms and conditions of appointment were sent to the I Party as Annexure A to the said letter. The Petitioner has also accepted the terms and conditions of the Respondent. The job of the Assistant Driller is a management job position reporting to driller. The I Party no doubt was sent for training for a period of one week to the Institute of Drilling Technology, Dehradun in October, 1991. The I Party was promoted as a driller w.e.f. 1-3-92 on the basic salary of Rs. 4,000/- The job requirement of a driller involves direction, supervision and control and the driller is supposed to be a science graduate or a holder of Diploma or Degree in Engineering which is the management staff position. The job functions involve directly supervising the drilling crew and ensuring safe operation of the drilling equipment and is required to operate the draw works in hoisting of drill string and associated equipment and maintain proper characteristics namely weight on bit, rotary speed, pump pressure etc. while drilling operations are underway, the direct proper make up, use, maintenance and storage of drill string and associated equipment and of drill floor equipment. The Petitioner is also required to do drill string tally and provide direction and instruction for training and development of the members of his crew and he is also required to assist in moving and rigging up the rig as directed by Tool Pusher. From the above conditions, it will be clear that the I party is not a workman as per section 2(s) of the Industrial Disputes Act, 1947 and consequently, no remedy is available to him before this Tribunal as his job functions are outside the purview of this Tribunal. As a management staff, he is required to submit whole progress report in respect of people working under him namely Assistant Driller, Derrick man, floor men, round abouts, mechanic, electrician, welder, crane operator and radio operator etc. Being a driller, he is entitled to ensure and monitor attendance and performance of all people working under him. By no stretch of imagination, he can be termed as workman under the provisions of Industrial Disputes Act, 1947. Therefore, dehiring of the I Party by the II Party/ Management in terms of para I9 of the terms and conditions of his appointment is in order and is in compliance of contract of employment entered between the I Party and the II Party/Management. Therefore, the provisions of Industrial Disputes Act, is not applicable in the case of the I Party. Hence, Respondent prays that claim may be rejected with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the Petitioner is a workman as per section 2(s) of the Industrial Disputes Act?"

(ii) "Whether the termination of the Petitioner by the Respondent/Management is justified?"

(iii) "To what relief the Petitioner is entitled?"

Point No. I :—

6. The foremost point to be decided in this case is 'whether the Petitioner is a workman as defined under section 2(s) of the Industrial Disputes Act, 1947'.

7. The Petitoner alleged that he was appointed as an Assistant Driller and this itself would clearly show that he is a workman and he worked for more than 12 hours per day and he used to get instructions from his superior officers namely Driller and Rig incharge and he used to carry out the earmarked duties, therefore, there is no question that he is in managerial or supervisory cadre and further, in this case, he has received incentives and also dress allowance and other allowances which were only given to workmen and he has carried out drilling work as per the orders of Rig incharge and therefore, he is only a workman as defined under Industrial Disputes Act, 1947.

8. As against this, the Respondent contended that the Petitioner's position as Assistant Driller does not fall under workman category. The hierarchy chart produced by the Respondent and other terms and conditions of the employment of the Petitioner would clearly shows that Petitioner cannot be brought under the definition of workman as defined under section 2(s) of the Industrial Disputes Act, 1947.

9. The learned counsel for the Petitioner argued that in determining the question whether the person employed by the employer under section 2(s) of the Industrial Disputes Act, 1947 or not, the Court has principally to see the main or substantial work for which the employee has been employed or engaged to do. Neither the designation of the employee is decisive nor any incidental work that may be done or required to be done shall get him outside the purview of the workman under section 2(s) of the Industrial Disputes Act, 1947. The principal job and nature of employment of such

employee alone to be considered by the Court. In this case, it is clearly established through the evidence and also other documents that the Petitioner was a driller and he was working in the work site physically doing the work of driller and it is also evident that the Respondent/ Management has given incentives and appreciated his work as an Assistant Driller and also his work as Driller and in such circumstances, it cannot be said that he is not a workman and the learned counsel for the Petitioner relied on the decisions reported in 1980 II LLJ 16 ENGINEERING CONSTRUCTION CORPORATION LTD., MADRAS Vs. ADDITIONAL LABOUR COURT, MADRAS AND OTHERS. In that case, a person appointed as foreman of carpentry work has been terminated. Subsequently, in a dispute raised by the said person, the Division Bench of the High Court held that *"from the designation of the workman as foreman of carpentry work is of supervisory nature which actually letting in any evidence as to the nature of his duties. it is not the case of the management that the Respondent was having any control over 10 to 12 carpenters whose work he was asked to supervise. It is not their case that (the 2nd Respondent concerned employee) had any disciplinary control over them or that he was himself sanctioning leave to the workmen under him. Even accepting the facts spoken to by MW1 the only evidence on the side of the management, it will only indicate that a particular work such as shuttering was entrusted to him to be completed with the help of 10 or 12 carpenters, who were daily rated in accordance with the designs and specifications given. This will lead to the only inference that the 2nd Respondent is the foreman or leader of the team of carpenters who were entrusted with the task of doing the work of shuttering. That will not make the work of the 2nd Respondent to be one of supervisory nature."* Relying on this decision, the learned counsel for the Petitioner argued that though the Petitioner in this case, accordance to the terms and conditions supervised the work of the persons worked under him, he has no control over the subordinates and only he will carry out the orders of superiors namely, Rig in-charge or other superior officers and it is also the evidence of MW1 that the drilling work is a team work and as the head of the team work, the Petitioner was doing the drilling work and his work is not supervisory in nature and he has not control over the persons, who worked under him. The next decision relied on by the learned counsel for the Petitioner is 1993 II LLJ 425 D. P. MAHESWARI AND DELHI ADMINISTRATION & OTHERS wherein the question what are main duties of the employee who was the employee of Toshniwal Brothers Pvt. Ltd., when she was terminated from service she has raised an industrial dispute and in that the Supereme Court has held that *"that the employee was not discharging supervisory functions was itself a very strong circumstance from which it could be legitimately inferred that he was discharging duties of a clerical nature. If a labour court had drawn such an inference it would have been well justified in doing so. That the employee was occasionally deputed by the managing director to undertake some important mission as could be seen from the qualification of the employee and certain letters written by him to the managing director. The question is what were his main duties and not whether he was occasionally entrusted with other work"* and the Supreme Court held *that the employee is a workman as defined under the Industrial Disputes Act.* Basing this judgement, the learned counsel for the Petitioner argued that in this case also, the Petitioner who worked as an Assistant Driller and Driller carried out only the orders of his superiors and occasionally, even though some other supervisory work were entrusted to him, the main work of the Petitioner was only drilling work and therefore, he is only a workman as defined under Industrial Disputes Act. The next decision relied on by the learned counsel for the Petitioner is 1998 II LLJ 578 CRICKET CLUB OF INDIA AND ANOTHER Vs. BALJIT SHYAM AND ANOTHER, wherein the Bombay High Court while considering an employee who is a housekeeper in a cricket club is entitled to the benefits of Industrial Disputes Act, 1947 or not, wherein the Bombay High Court has held that *"the principle therefore, is one must look into the main work that must be found out from the main duties. A supervisor was one who could bind the company to take some kind of decision on behalf of the company, one who was reporting merely as to the affairs of the company and making assessment for the purpose of reporting was not a supervisor"* and the Bombay High Court has also held that *"the Respondent in that case was permanent workman and as such his services cannot be terminated without complying with the provisions of standing orders or statutory provisions under section 25F of the Industrial Disputes Act"*. The next decision relied on by the learned counsel for the Petitioner is 2002 II LLJ 134 MANAGEMENT OF HINDUSTAN MOTORS LTD. Vs. LAKSHMIAH AND ANOTHER, wherein the Division Bench of the Madras High Court has observed that *"duties performed by the Respondent were not of those of supervisor or Manager hence, it was held that management company failed to substantiate its contention that the Respondent was performing supervisory or managerial duties and therefore, it was held to be not a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 and set aside the Award passed by the Labour Court."* In that case, the Respondent employee was in the services of the appellant management as gradation analyst and Assistant Production Manager, who alleged to have been transferred to Dhanbad by the management. Since the employee did not obey the orders of transfer, by a letter the appellant terminated the services of the 1st Respondent and

aggrieved by that order, the 1st Respondent raised an industrial dispute and the same was referred to the Tribunal. In that the 2nd appellant took the stand that the nature of the duties performed by the 1st Respondent would show that he was employed as supervisory category and therefore, he could not come under the definition of Section 2(s) of the Industrial Disputes Act, 1947. In that the Division Bench of the High Court held that "*there is absolutely no evidence to show that the 1st Respondent was performing the work of any supervisory or managerial cadre. As far as M3 is concerned the said statement seemed to have been made by the 1st Respondent when he was aspiring to better his carreer, therefore, in that context, when he was called upon to describe the nature of duties assigned to him, he seems to have been given exaggerated views of what was performed by him earlier. . . . .In our considered opinion, the management has failed to substantiate its contention that the 1st Respondent was only performing duties of supervisory/managerial character. On the other hand, the evidence tendered on behalf of the appellant disclosed that the 1st Respondent was only performing the duties of ordinary skilled workman and nothing more.*" The learned counsel for the Petitioner relying on all these decisions argued that even though in this case it is mentioned in the terms and conditions that the Petitioner has to supervise the work of subordinates actually, the Rig in-charge, alone supervised the work of subordinates including the Petitioner and in no case the Petitioner has taken any disciplinary action independently against the subordinates. Under such circumstances, it cannot be said that the Petitioner was appointed in a supervisory cadre and therefore, he is only a workman. Again the learned counsel for the Petitoner relied on the ruling reported in 2000 (4) LLN 302 CHURCH OF SOUTH INDIA, NAGERCOIL Vs. SMT. EDITH PETER AND ANOTHER, wherein the Madras High Court has given a test to determine with regard to a workman who are an employee has multifarious duties and the question raised whether a person is workman someone other than workman, the Court shall find out what are the primary and basic duties of a person concerned and if he is incidentally asked to do some other work, may not necessarily be in tune with basic duties, these additional duties cannot change the character and status of the person concerned. In other words, the dominant purpose of employment must be first taken into consideration and the gloss of some additional duties which are incidental must be rejected while determining the status and character of the person. The learned counsel for the Petitioner argued that from the date of appointment even after the promotion, the Petitioner was doing only drilling work as per the orders of his superiors namely Rig in-charge and by no stretch of imagination he can be classified as supervisory cadre and therefore, he is a workman entitled to the benefits of the Industrial Disputes Act.

10. As against this, the learned counsel for the Respondent argued that even in the chief examination and cross examination of the Petitioner, he has clearly admitted that he was aware of the hierarchy chart as revealed by Ex. M47, M48 and M49 and as well as the duties and responsibilities of Assistant Driller and Driller and the Petitioner has also admitted that he has submitted a daily progress report prepared by him and having prepared the attendance register for the persons working under him and in such circumstances, it cannot be said that he is a workman and he was appointed only in supervisory cadre and he has drawn the salary of more than Rs. 5,000/- at the time of dehiring and therefore, he is not a workman as defined under section 2(s) of the Industrial Disputes Act, 1947. Even by virtue of salary and even with regard to the terms and conditions, he was appointed only as supervisory or managerial cadre and by no stretch of imagination, he can be called as a workman. It is his further admission in cross examination that there were 12 persons working under the Assistant Driller during the operation of drilling and as per the hierarchy chart, the assistant driller has to control the subordinate and that he was incharge of controlling the operations independently while getting the job done through workers who were placed below him. Even in the terms and conditions namely Ex. M 4 clause 12 says about the duties and responsibilities of the assistant driller wherein it is stated that "*as a responsible officer of the company, you will maintain a high standard of discipline, loyalty, efficiency, integrity and secrecy and will liase between the company and the employees working under your supervision and control and will be responsible for execution of the decision taken by the management from time to time. You will assign and supervise the work of the employees working under you and guide them independently in efficient discharge of your duties. You will ensure discipline on the part of your subordinates and will be competent to take necessary steps in taking disciplinary action against erring employees working under you.*" In such circumstances, the contention of the Petitoner that he is not vested with power to take disciplinary action against the subordinates and he has carried out only the orders of superiors is a false one. Even assuming for an argument sake, that he has not taken any disciplinary action against any subordinate staff, it is not the fault of the company, but it is the fault of the Petitioner. In his supervisory capacity, he has got every power to take disciplinary action independently against the erring subordinates and he has been appointed in a supervisory cadre and not as a workman as alleged by him. Further, it is the argument of the learned counsel for the Respondent that Section 2(s) of the Industrial Disputes Act, which not only defines who is a workman and also states who is not a workman. The provisions of Sub-section speaking who is not a workman are elucidates as—

(i) a person who is subject to Army, Air Force or Navy Act;

(ii) who is employed in police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in managerial or administrative capacity; or

(iv) who being employed in a supervisory capacity draws wages exceeding Rs. 1600/- per month or exercises, either by nature of duties attached to office or by reason of powers vested in him, functions mainly of a managerial nature.

In this case, it is admitted by the Petitioner that the Petitioner was drawing the basic salary of Rs. 5,000/- at the time of dehiring Ex. M 47 namely the chart hierarchy explicitly settles this position, wherein the Driller controls the Assistant Driller, Rigman, Derrickman, Rousta about, Senior Mechanic, Mechanic, Welder, Senior Electrician and Electrician. Further, the details mentioned about duties of Driller, according to which Driller directly supervises the drilling through and safe operations of drilling equipments and he is also required to direct other workers connected with drilling operations. Similarly the functions of Assistant Driller also talks about the management and control of drilling operation. As already stated, the Petitioner has admitted that he has submitted a daily progress report and he has also controlled the attendance and evaluated the performance of all the people right from Derrickman to Radio Operator and these documents clearly establish the fact that the petitioner was only appointed in a supervisory capacity and not as a workman. The nature of the work of the Petitioner is such that by no stretch of imagination he can be called as a workman. In fact, he has admitted that he is responsible for allotment, distribution and supervision of work. The learned counsel for the Respondent further relied on the rulings reported in 1987 LIC 1351 of the Delhi High Court in JUGAL KISHORE MITTAL Vs. SASTA SAHITYA MANDAL, wherein the Delhi High Court has held that "the employee, who according to him a clerk and doing manual work in a sales emporium, wherein the Delhi High Court has stated that the *present case is similar to the case of May and Baker India Ltd. Vs. Workmen,* there it was held that "*if the nature of duties is manual or clerical, then the person the must be held to be a workman, on the other hand, if the manual or clerical work is only a small part of the duties of the person concerned and incidental to his main work which is not manual or clerical, then such a person would not be a workman.*" The next decision relied on by the counsel for the Respondent is 1998 I LLN 161 JOHN SRI R.M. LODHA Vs. B.S. BHADANGE AND OTHERS, wherein the Bombay High Court has held that in Burmah Shell Oil Storage and Distribution Co. Ltd. Vs. Burmah Shell Management Staff Association & Ors. AIR 1971 SC 922, the Apex Court considered the question whether the transport engineers in Burmah Shell Oil Storage and Distribution of India Ltd. were workmen or not and held that the main work done by the employee should be held to be work done by him to find out whether he is a workman or not and it further held "*a person cannot be assumed to be a workman on the ground that he does not come within the four exceptions in Section 2(s). The specification of the four types of work in definition in Section 2(s) obviously is intended to lay down that an employee is to become a workman only if he is employed to do work of one of those types, while there may be employee, who not doing any such work, would be out of the scope of the word 'workman' without having to resort to the exceptions. . . . For this purpose, a workman must be held to be employed to do that work which is the main work he is required to do, even though he may be incidentally doing the other types of work.*" and ultimately, it held in that case that "*the employee is not a workman.*" The next decision relied on by the counsel for the Respondent is 1994 II LLN 450 S.K. MAINI Vs. CARONA SAHU COMPANY LTD. & ORS. wherein, the Supereme Court has held that "*after giving our careful consideration to the facts and circumstances of the case and the submissions made by the learned counsel for the parties, it appears to us that whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act, is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and material on record. . . . .*" "*When an employee is employed to do types of work enumerated in definition of workman under Section 2(s) there is hardly any difficulty in treating him as a workman under appropriate classification but in the complexity of industrial or commercial organisation quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it.*" It has been held by this Court in AIR 1966 305 that "*the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context for unless controlled they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. . . . .Viewed from this angle, if the employee is mainly doing supervisory work, but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory work.*" Relying on these decisions, the learned counsel for the Respondent argued that the Petitioner's appointment itself was only in supervisory capacity and not as a workman. Even though,

incentives and other allowances were given to the Petitioner, it cannot be said that he has not been appointed in supervisory capacity. In the terms and conditions, it is clearly stated that he will assign to supervise the work of employees working under him and he has to guide them independently in efficient discharge of duties and he has to ensure discipline on the part of his subordinates and will be competent to take necessary steps in taking disciplinary action against the erring employees working under him. Under such circumstances, the nomenclature as a driller will not give him the status of workman. Further, he has been given training in a supervisory capacity and he was sent for training to Dehradun. All these circumstances will show that he was only in a managerial or supervisory cadre and not as a workman.

11. On consideration of the entire evidence in this case and also on perusal of documents in this case, I am of the opinion that though the Petitioner is called as a Driller which nomenclature gives impression as a workman, when the duties mentioned for him is only in a supervisory capacity and it is clearly mentioned that he has to supervise the work of employees working under him and guide them independently in efficient discharge of duties and he has also given power to take disciplinary action against the erring employees. Under such circumstances, I find he was appointed only in supervisory cadre and not as a workman. Further, his salary is also above the amount mentioned in the exemption. Under such circumstances, I find the Petitioner is not a workman entitled to the benefits under Industrial Disputes Act, 1947.

Point No. 2 :—

The next point to be decided in this case is whether the termination of the Petitioner from service by the Respondent/Management is justified?

12. In view of my above finding that the Petitioner is not a workman entitled to the benefits of Industrial Disputes Act, 1947, it cannot be said that the dehiring of Petitioner will amount to termination of a workman. Under such circumstances, I find this point against the Petitioner.

Point No. 3 :—

The next point to be decided in this case is to what relief the Petitioner is entitled ?

13. In view of my foregoing findings, I find the Petitioner Sri N.J. Prim is not entitled to any relief. No. Costs.

14. Thus, the reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th March, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : WW 1 Sri N. J. Prim

For the II Party/Management : MW 1 Sri Subhash Chand Goel

Documents Marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
W 1	28-04-89	Xerox copy of the order of appointment as trainee issued to Petitioner
W 2	03-04-90	Xerox copy of the confirmation order issued to petitoner
W 3	01-03-91	Xerox copy of the letter from Respondent revising compensation of the Petitioner
W 4	07-04-91	Xerox copy of the letter from respondent revising compensation subsequently to the petitioner
W 5	23-11-91	Xerox copy of the letter from respondent revising compensation of the petitioner
W 6	10-02-92	Xerox copy of the order of promotion
W 7	01-04-93	Xerox copy of the intimation given by respondent regarding increase in his salary
W 8	23-07-94	Xerox copy of the intimation given by respondent regarding revision in his salary
W 9	11-07-95	Xerox copy of the performance certificate issued by respondent to petitioner
W 10	04-04-96	Xerox copy of the letter of dehiring of the services of petitoner
W 11	July, 1991 & Feb. 92	Xerox copy of the salary slip issued to Petitioner
W 12	25-06-91	Xerox copy of the order of transfer issued to Petitioner
		Extract from Pipe tally book—Cauvery Project of Respondent
W 13		NIL

For the II Party/Management :—

Ex. No.	Date	Description

M 1	28-04-99	Xerox copy of the application submitted by Petitioner
M 2	28-04-99	Xerox copy of the personal data from submitted by Petitioner
M 3	05-05-89	Xerox copy of the letter of appointment issued to Petitioner
M 4	28-05-89	Xerox copy of the pre-employment physical examination record dated 28-5-89
M 5	29-05-89	Xerox copy of the letter submitted by Petitioner to Chief Executive accepting the terms of appointment.
M 6	05-07-89	Xerox copy of the letter from Respondent to Petitioner
M 7	Nil	Xerox copy of the annual confidential report.
M 8	03-02-90	Xerox copy of the letter of confirmation sent to Petitioner
M 9	14-02-90	Xerox copy of the letter from Petitioner to Respondent
M 10	Nil	Xerox copy of the reply sent by Respondent to Petitioner
M 11	22-11-90	Xerox copy of the letter from Respondent to Petitioner Instructing him to report at Jodhpur.
M 12	26-11-90	Xerox copy of the reply sent by the Petitoner.
M 13	10-12-90	Xerox copy of the letter from Respondent to Petitioner to report for duty at Mehasana site.
M 14	15-12-90	Xerox copy of the confirmation letter of Petitioner
M 15	14-01-91	Xerox copy of the letter from Respondent to Petitioner To report for duty at Rajamundhry.
M 16	Nil	Xerox copy of the letter from Petitioner confirming his Joining duty at Rajamundhry.
M 17	14-01-91	Xerox copy of the joining report of the Petitioner
M 18	14-01-91	Xerox copy of the posting letter Issued by Respondent
M 19	19-01-91	Xerox copy of the group personal accident policy of Petitioner
M 20	01-03-91	Xerox copy of the letter from Respondent revising the Compensation of Petitioner..
M 21	07-04-91	Xerox copy of the letter from Respondent revising the compensation of Petitioner.
M 22	Nil	Xerox copy of the appraisal form for 1989-90 of the Petitioner
M 23	12-09-91	Xerox copy of the letter nominating the Petitioner for Training programme at the Institute of Drilling Technology.
M 24	16-09-91	Xerox copy of the bond entered into between the Company and Petitioner
M 25	08-10-91	Xerox copy of the application from Petitioner seeking grant of loan
M 26	25-10-91	Xerox copy of the letter sanctioning loan to Petitioner
M 27	26-10-91	Xerox copy of the certificate issued by Institute of Drilling Technology to the Petitioner
M 28	23-11-91	Xerox copy of the letter from Respondent revising the compensation of Petitioner.
M 29	10-02-92	Xerox copy of the letter from Respondent to Petitioner regarding his perquisites.
M 30	10-02-92	Xerox copy of the letter from Respondent promoting the Petitioner as Driller.
M 31	10-02-92	Xerox copy of the letter of transfer issued to Petitioner
M 32	25-02-92	Xerox copy of the letter of transfer issued to Petitioner
M 33	11-03-92	Xerox copy of the fax message regarding posting of Petitioner at Jodhpur.
M 34	13-03-92	Xerox copy of the joining report of the Petitioner
M 35	Dec. 90-91	Xerox copy of the appraisal report of Petitioner
M 36	01-04-93	Xerox copy of the letter from Respondent revising the Compensation of Petitioner.
M 37	1992-93	Xerox copy of the performance appraisal for officer E1 to E4 level of the Petitioner
M 38	26-10-93	Xerox copy of the telegram reposting of the Petitioner
M 39	1993-94	Xerox copy of the appraisal report of the Petitioner

M 40	23-07-94	Xerox copy of the letter from Respondent regarding revision of salary w.e.f. 1-4-94
M 41	28-10-94	Xerox copy of the letter from Petitioner to Respondent regarding payment of arrears.
M 42	30-11-94	Xerox copy of the letter from Respondent to Petitioner
M 43	1994-95	Xerox copy of the performance appraisal report of the Petitioner
M 44	11-07-95	Xerox copy of the letter from the Respondent to Petitioner regarding revision of salary.
M 45	Nil	Xerox copy of the drilling manual.
M 46	Nil	Xerox copy of the well killing worksheet
M 47	Nil	Xerox copy of the hierarchy chart.
M 48	Nil	Xerox copy of the job description of driller.
M 49	Nil	Xerox copy of the job description of Assistant Driller.
M 50	Nil	Xerox copy of the daily progress reports 15 Nos. Signed by Petitioner.

नई दिल्ली, 25 मई, 2004

का. आ. 1454.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कमकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद II के पंचाट (संदर्भ संख्या 130/2001) को प्रकाशित करती है, जो केन्द्रीय केन्द्रीय सरकार, को 24-5-2004 को प्राप्त हुआ था।

[फा. सं. एल-20012/573/2000-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th, May, 2004

S. O. 1454.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-5-2004

[F. No. L-20012/573/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD.

In the matter of a reference under Sec. 10 (1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 130 of 2001

Parties : Employers in relation to the management of Bararee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

Present : Shri B. Biswas. Presiding Officer.

Appearances :

For the Employers : None.

For the Workman : None.

State : Jharkhand. Industry : Coal.

Dhanbad, the 22nd April, 2001

AWARD

By Order No. L-20012/573/2000-IR (C-I) dated the 27th April, 2001, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"KYA JHARKHAND JANTA MAZDOOR UNION KI MANG KI SHRI RAM NARAYAN SINGH, KARMKAR, BHARAT COKING COAL LTD. KI BARARI COLLIERY KO CAT. IV MEY PADASTHA PIT KIYA JAYA TATHA USKEY ANURUP BETAN DIYA JAYA UCHIT EVAM NAYA SANGAT HAI? YADI HA TO KARMKAR KIS RAHAT KEY PATRA HAI TATHA KIS TARIKH SEY?"

2. Record shows that inspite of issuing notices to the parties neither the concerned workman nor the representative of the concerned workman appeared and filed written statement. None appeared on behalf of the management also. It, therefore, appears that the parties are not interested to proceed with the case.

3. In such circumstances, I render a 'No Dispute Award' in the present reference case.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 मई, 2004

का.आ. 1455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद-II, के पंचाट (संदर्भ संख्या 91/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-05-2004 को प्राप्त हुआ था।

[सं. एल-20012/559/97-आई.आर.(सी-I)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S.O. 1455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/1998) of the Central Government Industrial Tribunal/ Labour Court Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-5-2004.

[No. L-20012/559/97-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 91 of 1998

Parties: Employers in relation to the management of Moonidih Project of M/s. B.C.C.L.

AND

Their Workmen.

Present: SHRI B. BISWAS, Presiding Officer

Appearances:

For the Employers: Shri H. Nath, Advocate

For the Workman: Shri S.C. Gour, Adovcate

State: Jharkhand. Industry: Coai

Dated, the 30th April, 2004

AWARD

By Order No. L-20012/559/97-IR(C-I) dated the 24th March, 1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management in imposing reduction of three increments as a matter of disciplinary action upon Sri Sudhir Kant Jha, Mining Sirdar, Moonidih Project is proportionate to the gravity of mis-conduct committed by him and the said punishment has been imposed after observing the principles of natural justice ? If not, to what relief is the workman entitled ?"

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on his behalf in brief is as follows:

It has been submitted by the sponsoring union that the concerned workman got his employment in the year 1980 as Mechanical Fitter (Apprentice) and thereafter he was appointed as Mining Sirdar in the year 1989 and since that date he is working in that capacity. They alleged that on 29-11-1994 the management issued a charge-sheet to the concerned workman duly signed by the Project Officer of Moonidih Project, who himself happens to be party in the matter of allegations levelled agaisnt the concerned workman. They alleged that the charges brought against the concerned workman were motivated and the Project Officer was biased against the concerned workman. However, in giving reply to the said charge-sheet the concerned workman categorically denied all the charges levelled aginst him. The Project Officer himself examined the reply and forwarded to the General manager, Moonidih Area alll papers for appointment of Enquiry Officer. Thereafter Enquiry Officer was appointed under the direction of the General Manager who thereafter conducted domestic enquiry against him and submitted his report holding the concerned workman guilty to the charges. The General Manager, who happens to be Appellate Authority under the Certified Standing Order of the Company, issued the order of Punishment for stopping of three increments cumulatively without application of his mind. As the General Manager is the Appellate Authority and knowing fully well of his position as he issued the order of punishment under his signature the concerned workman did not find any scope to file mercy appeal before him. They submitted that the charges levelled aginst the concerned workman are absolutely false and motivated. They disclosed that if the concerned workman was involved in showing riotous or disorderly behaviour attitude to the Project Officer at his Chamber at

about 5.00 P.M. on 28-11-1994 he could have easily lodged F.I.R. to the Police Station, which was located in the Moonidih premises hardly at a distance of 300 metres from office. The Enquiry Officer being biased and influenced by the Project Officer sumbitted a frivolous report without application of his mind. They disclosed that the concerned workman requested the Project Officer for sanction of an advance of Rs. 3000/- on the ground of treatment of his wife. The Project Officer instead of sanctioning the said amount slashed the medical advance to a sum of Rs. 1000/-. When the concerned workman pointed out to the Project Officer about sanction of an advance of Rs. 3000/- to other workmen, namely, Diwaker Prasad Singh and K.K. Kant without Chief Medical Officer'ssanction, the said Project Officer became furious and started shouting at the top of his voice and also abused him taking the plea that he challenged his authority. The concerned workman stayed in the Chamber of the Project Officer for 4/5 minutes and thereafter left his Chamber, but at the time of leaving the Chamber he told the Project Officer that the matter will be reported to the higher authority as he was showing caste favouritism. The sponsoring union submitted that the Enquiry Officer did not consider any of such facts individually in course of hearing of the enquiry proceeding. The management also have failed to establish the charge of breaking doors, tables etc. during enquiry proceeding. Practically he was falsely charge-sheeted and the Enquiry Officer being biased and influenced by the Project Officer submitted his report holding the concerned workman guility. The General Manager who is the Appellate Authority depriving the workman for making appeal issued the order of punishment under his signature which categorically denied natural justice to the workman. In the Circumstances the sponsoring union raised industrial dispute before the A.L.C. (C) for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. Record shows that inspite of giving several chances the management did not consider necessary to submit written statment-cum-rejoinder on their part, though they submitted relevant documents and also adduced evidence on their part.

Points to be decided :

4. "Whether the action of the management in imposing reduction of three increments as a matter of disciplinary action upon Sri Sudhir Kant Jha, Mining Sirdar, Moonidih project is proportionate to the gravity of misconduct committed by him and the said punishment has been imposed after observing the priciples of natural justice ? If not, to what relief is the workman entitled ?"

Finding with reasons :

5. It transpires from the record that the management in order to substantiate their claim examined one witness as MW-1 while the concerned workman also in support of his claim examined himself as WW-1. In course of evidence of MW-1 the charge-sheet issued to the concerned workman was marked as Ext. M-1. The charge which has been brought against the concerned workman is as follows:

> "I do hereby require you to explain as to why disciplinary action should not be taken against you for the following acts of misconduct to have been committed by you under the Certified Standing Order of M/s. BCCL by which your services are governed.
>
> **CHARGES**
>
> On 28-11-94 at about 5.00 PM while the undersigned was sitting in his office chamber and disposing of his official work, you entered in the office chamber in furious and violent mood and started shouting at the peak of your voice by using unparliamentary words. While entering into the office you dashed against the door violently causing breakage of door frame and shutter.
>
> You also inflicted many blows with your fist on the office table and used threatful words. When the undersigned tried to pacify and cool down your temper, you became more furious and violent. You indulged in such behaviour because of your undersirable demand which was not conceded by the undersigned.
>
> The acts as mentioned above alleged to have been committed by you is a serious misconduct under the following clauses of the Certified Standing Orders.
>
> 26-1-4 : ".....riotous or disorderly behaviour, threatening....."
>
> 26-1-10 :".....indiscipline."
>
> 26-1-27 : "Conduct within the mine premises or its precincts which endanger life or safety of any person".
>
> Your explanation should reach within seven days of the receipt of this charge-sheet failing which disciplinary action will be taken against you as deem fit.
>
> In view of the gravity of the charges you are placed under suspension with immediate effect. During suspension period you are directed to report to MTK at 9.00 AM on every working day to mark your attendance present or to receive any communication meant for you."

Considering the charge-sheet it transpires clearly that the incident in question took place in the Chamber of the Project Officer who issued charge-sheet to the concerned workman under his signature. From the charge-sheet it transpires that the concerned workman on 28-11-94 at about 5.00 PM not only threatened the Project Officer but also abused him in filthy language and in doing so he also did not hesitate to cause damage to the property of the management. It is the contention of the Project Officer that the concerned workman became so furious as he did not agree to meet up the undesirable demand of the concerned workman. It is seen that the charges are framed against the concerned workman under Clauses 26-1-4, 26-1-10 and 26-1-27 of the Certified Standing Orders for committing misconduct. The concerned workman in his reply (Marked as Ext. M-3/41) categorically denied all the charges brought against him by the Project Officer. But the fact which disclosed in the written statement submitted by him in support of his claim was not agitated in his reply. He made aspersion against the Project Officer and submitted that it was the Project Officer who abused him in filthy language. During enquiry proceeding the management examined five witness and also recorded the statement of the Project Officer who categorically ventilated what illegal gesture the concerned workman showed after entering inside the chamber. The Project Officer was fully cross-examined by the concerned workman, but from cross-examination no incriminating material came out relysing on which there is scope to draw conclusion that it was the Project Officer who abused and threatened the concerned workman while the concerned workman entered inside the chamber. The other witnesses examined by the management also corroborated the incident in question. On the contrary, the concerned workman at the time of giving his statement disclosed that he applied for an advance of Rs. 4000/- to the Project Officer against salary through Medical Superintendent, Moonidih Hospital for treatment of his ailing wife. The Medical Supdt. had recommended for advance of Rs. 2000/- only on 28-11-94. When the concerned workman went to the Cash Section at about 4 P.M. he came to know that the Project Officer sanctioned a sum Rs. 1000/- as medical advance. Then he drew the said amount and at about 5 P.M. he came to the Project Officer and tried to convince the project officer why a sum of Rs. 2000/- was needed for treatment of his wife. But as the Project Officer refused to do anything he came out of his chamber and at that time he told the Project Officer that the matter will be taken up before the higher authority as well as amongst the co-workmen. However, he categorically denied the fact of threatening the Project Officer or abusing filthy language to him. He also denied the fact of causing damage to the property of the management. The concerned workman examined two witnesses in support of his claim, namely, Binod Mishra and Mahendra Pandit. Binod Mishra at the time of giving his statement admitted that he did not see the incident with his own eye when it took place in the office of the Project Officer. Mahendra Pandit also did not disclose anything in support of the claim of the concerned workman. Therefore, the two witnesses who were examined by the concerned workman practically did not ventilate anything relying on which the claim of the concerned workman could be supported. It is further allegation of the management that not only this was the first incident but also on previous occasion the concerned workman was charge-sheeted. However, after giving due warning he was released. The document marked as Ext. M-3/42 has supported the the claim of the management. No incriminating material is forthcoming before this Tribunal that the concerned workman preferred an appeal against that order. I have carefully considered all the enquiry proceeding papers and also statements of the witnesses and considering all the statements and materials on record there is no sufficient reason to disbelieve the statments of witnesses of the management in absence of cogent evidence on the part of the concerned workman. It is clear from the statment of the concerned workman that he entered inside the chamber of the Project Officer at the relevant time. It is not the claim of the concerned workman that he had bitter relation with the Project Officer. A sum of Rs. 1000/- was sanctioned as medical advance to the concerned workman by the Project Officer though the Medical Superintendent had recommended Rs. 2000/- to that effect. The Project Officer had discretion to sanction any medical advance to a workman. It is seen, after drawing Rs. 1000/- from the Cash Section the concerned workman entered inside the office of the Project Officer though he had no reason to go there. There is no reason at all that the Project Officer with a view to meet up his vengeance issued the charge-sheet against the concerned workman particularly when no incriminating material is forthcoming that he had bitter relation with the concerned workman. The concerned workman had the scope to move before the higher forum against the decision taken by the Project Officer in the matter of sanction of medical advance to the tune of Rs. 1000/- but he did not consider necessary to do so. The witnesses of the management who witnesses the incident in question clearly disclosed the involvement of the concerned workman in creating nuisance inside the chamber of the Project Officer. The gesture which he showed to the seniormost officer of the colliery was definitely unbecoming.

Accordingly after careful consideration of all the facts and circumstances I hold that the management have been able to substantiate the charge brought against the concerned workman. The Enquiry Officer after completing domestic enquiry proceeding submitted his report to the General Manager, marked Ext. M-4. After considering the report the General Manager by order dated 20/22-4-1995 (Ext. M-5) stopped three annual increments of the

concerned workman cumulatively with immediate effect as quantum of punishment.

6. Learned Advocate for the concerned workman submitted that as the General Manager is the Appellate Authority the concerned workman was deprived of preferring appeal against the order of punishment issued by the General Manager. Learned Advocate further submitted that the same officer cannot be the appellate authority who issued the order of punishment. In support of this claim the learned Advocate for the concerned workman relied on the implementation of the Certified Standing Orders of M/S. BCCL. According to Annexure-'A' the Disciplinary and Appellate Authorities for various Units/Departments of BCCL have been distinguished. Accordingly to Annexure 'A' in colliery Agent/Manager is the Disciplinary Authroty while Area General Manager is the Appellate Authorty. Here in the instant case punishment was inflicted by the General Manager, Moonidih Area who is the Appellate Authority. As such, submission of the learned Advocate of the concerned workman stands on cogent footing that the concerned workman was denied of his right to prefer an appeal, as he did not find any scope to prefer appeal before the General Manager, Moonidih Area who issued the order of punishment. In support of this claim learned Advocate relied on decisions reported in 2002 Lab. I.C. 521 (SC) and 2002 Lab. I. C. 605 (Bombay High Court). Their Lordships of Hon'ble Apex Court in the decision reported in 2002 Lab. I.C. 521 (SC) observed that appeal against dismissal order also heard by managing Director i.e. Appellate Authority liable to be set aside on account of bias, as he himself issued the order of dismissal. In the decision reported in 2002 Lab. I. C. 605 His Lordship of Hon'ble Apex Court observed that the Disciplinary Authority and the Appellate Authorty cannot be the same person, as it amounts to denieal of substantive right of appeal to delinquent. In the instant case no intimation was given to the concerned workman by the management that he could prefer an appeal before any particular authority against the order of punishment imposed on him. As the General Manager according to Certified standing Orders has been considered as Appellete Authority obviously the concerned workman did not get any scope to prefer appeal particularly when the said General Manager being Disciplinary Authority issued the order of punishment. This amounts to denial of justice to the concerned workman. It is to be taken into consideration that for the interest of natural justice full opportunity is to be given to the concerned workman to his fullest satisfaction, but in the instant case the Disciplinary Authority by their own acts exposed their biasness and for which the concerned workman was deprived of getting natural justice by way of preferring appeal against the order of punishment issued to him. Accordingly, the order of punishment issued by the Disciplinary Authority is liable to be vitiated.

7. In the result, the following award is rendered :

"The action of the management in imposing reduction of three increments as a matter of disciplinary action upon Sri Sudhir Kant Jha, Mining Sirdar, Moonidih Project is not justified and consequently the concerned workman is entitled for restoration of the stoppage of three increments commulatively,"

The management is directed to implement the Award within three months from the date of publication of the Award in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 मई, 2004

का.आ. 1456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 25/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-05-2004 को प्राप्त हुआ था।

[सं. एल-20012/493/95-आई.आर.(सी-I)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S.O. 1456.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/97) of the Central Government Industrial Tribunal/Labour Court Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-05-2004.

[No. L-20012/493/95-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

In the matter of a reference under Section 10(I)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 25 of 1997

Parties: Employers in relation to the management of Bararee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

Present: SHRI B. BISWAS, Presiding Officer

Appearances:

For the Employers: Shri D. K. Verma, Advocate

For the Workman: Shri S.N. Goswami, Advocate

State: Jharkhand. Industry: Coal

Dated, the 28th April, 2004

AWARD

By Order No. L-20012/493/95-IR(Coal-I) dated the 11-2-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

> "Whether the demand for revision of the date of birth of Shri Mahabir Yadav by the Union is legal and justified? If so, to what relief is the workman entitled?"

2. The case of the concerned workman according to the written statement submitted by him, in brief, is as follows:

The concerned workman submitted that he was initially appointed at Simlabahal Colliery under Bhalgora Area of the management on 8-10-73 having personnel No. 02740272, I. D. Card No. 12255 as M. C. L. After joining the concerned workman was transferred to Bararee colliery under the same area and since then he was working there. He submitted that in the Identity Card as well as in Form 'B' Register his age was recorded as 27 years at the time of his appointment. He submitted further that in the year 1987 the management issued service except to him wherein his date of birth was recorded as 12-6-46 and accordingly he after making signature returned the service excerpt to the management without raising any objection as his correct date of birth was noted there. The management issued notice of superannuation to him and forced him to superannuate w.e.f. 12-6-1994, before attaining the age of 60 years. Accordingly, he submitted representation to the management for rectification of his date of birth and allow him to reinstate, but the management did not consider necessary to take any step in view of his prayer and for which he raised an industrial dispute which ultimately resulted reference to this Tribunal for adjudication.

The concerned workman made prayer to pass award directing the management to reinstate him in service after revising his date of birth and making necessary correction based on the original and authentic document as per Form 'B' serial No. 120 and Identity Card No. 12255 alongwith other consequential relief.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in the written statement. The management submitted that the concerned workman superannuated from his service on 12-6-1994 on attaining his age of 60 years. They submitted that in the Form 'B' Register the date of birth of the concerned workman was recorded as 12-6-1934. In the service excerpt also the same date of birth was recorded and the concerned workman accepting the said date of birth returned back the service excerpt to them without raising any dispute. They submitted further that after retirement the concerned workman raised an industrial dispute in respect of revision of his date of birth which cannot be entertained or permissible under any circumstance. Accordingly, the management submitted prayer to pass award rejecting the claim of the concerned workman.

Point to be decided

4. "Whether the demand for revision of the date of birth of Sri Mahabir Yadav by the Union is legal and justified? If so, to what relief is the workman entitled?"

Finding with reasons

5. It transpires from the record that neither the concerned workman nor the management adduced any evidence in order to substantiate their respective claim. Accordingly, let me consider how far the claim of the concerned workman stands on cogent footing relying on the facts disclosed in the pleadings of both the sides. Considering the written statements of both the sides I find no dispute to hold that the concerned workman was an employee under the management. According to the concerned workman as per his pleading he got initial appointment at Simlabhahal colliery under Bhalgora Area on 8-10-73 as M.C.L. Thereafter he was transferred to Bararee colliery under the same area. The contention of the concerned workman is that at the time of entry in the service his age was recorded in Form 'B' Register as 27 years. He further submitted that the management issued Identity Card to him after employment bearing No. 12255 wherein also his age was recorded as 27 years. In the year 1987 the management issued service excerpt to him for his comment wherein his date of birth was recorded as

12-6-1946. It has been alleged by the concerned workman that the management illegally and arbitrarily superannuated him from service before attaining his age of 60 years w.e.f. 12-6-1994. On the contrary the management categorically denied the fact which the concerned workman asserted in the written statement. They submitted categorically that in the Form 'B' Register the date of birth was recorded as 12-6-1934 and he completed his age of 60 years on 11.6-1994 and for which he superannuated from service on 12-6-1994. They further alleged that after superannuation the concerned workman raised the present dispute which is not at all tenable in the eye of law.

6. Considering the materials on record I find no dispute to hold that the concerned workman raised the instant dispute after his superannuation. Initially onus rests on the concerned workman to establish that at the time of his initial appointment his age in the Form 'B' Register was recorded as 27 years. He disclosed that the management issued Identity Card to him bearing No. 12255 wherein also his age was recorded as 27 years. In spite of claiming so the concerned workman did not consider necessary to produce his Identity Card before this Tribunal in support of his claim. He also did not consider necessary to prove the copy of the service excerpt which was retained by him after its service by the management in support of his claim. No explanation is also forthcoming on his part why he made such long delay in raising the dispute in the matter of correction of his date of birth. The concerned workman also had his scope to produce authentic paper to show that his date of birth was actually 12-6-46 when he got his appointment under the management. But in spite of getting opportunity he did not consider necessary to produce any such cogent document with a view to substantiate his claim. Actually the concerned workman has failed to produce a single piece of paper to show that his actual date of birth is 12-6-46 and not 12-6-34.

It is settled principle of law that the facts disclosed in the written statement cannot be considered as substantive piece of evidence until and unless the same is substantiated by cogent evidence. Accordingly just relying on the facts disclosed in the pleading of the concerned workman I find little scope to draw conclusion to the effect that his date of birth was 12-6-1946 and knowing fully well of the fact management illegally and arbitrarily superannuated him from his service.

In view of the facts and circumstances stated above, I hold that the concerned workman is not entitled to get any relief in view of his prayer.

7. In the result, the following award is rendered :

The demand of the union for revision of the date of birth of Shri Mahabir Yadav is not justified and hence the concerned workman is not entitled to any releif.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 मई, 2004

का.आ. 1457.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद-II, के पंचाट (संदर्भ संख्या 88/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल-20012/277/92-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S. O. 1457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/1993) of the Central Government Industrial Tribunal, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-5-2004.

[No. L-20012/277/92-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 88 of 1993

Parties: Employers in relation to the management of Lohapatti Colliery of M/s. B.C.C.L.

AND

Their Workmen

Present: SHRI B. BISWAS, Presiding Officer

Appearances:

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri D. Mukherjee, Advocate

State : Jharkhand. Industry : Coal

Dated, the 30th April, 2004

AWARD

By Order No. L-20012/277/92-IR (C-I) dated the 7th July, 1993 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal :

> "Whether the action of the management of Lohapatti Colliery of M/s. BCCL, in terminating/ dismissing from service S/Shri Mahendra Thakur and 44 others as per annexure from 12-12-1984 is justified ? If not, to what relief are the concerned workmen entitled ?"

2. The case of the concerned workmen according to the written statement submitted by the sponsoring union on their behalf, in brief, is as follows :

The sponsoring union submitted that the concerned workmen have been working as permanent Underground Loaders at Bhatdee Colliery since long with unblemished record of service. Thereafter the management of Moonidih Area No. II vide its order No. 2400-19 transferred the concerned workmen to Murlidah Colliery and they were subsequently transferred to Lohapatti Colliery. In pursuance of the aforesaid order the concerned workmen reported for their duties at Lohapatti Colliery, but the management of Lohapatti Colliery did not allow the concerned workmen to resume their duties on the ground that they had no Identity Card in their possession. Accordingly they submitted representation to the management several times for allowing the concerned workmen to resume their duties but to no effect and for which they raised an industrial dispute before the A.L.C. (C), Dhanbad. During the course of conciliation proceeding they submitted that the concerned workmen shall be allowed to resume their duties w.e.f. 12-12-1984, but the management did not agree to allow them to resume their duties taking the plea of manufactured and forged document on their part. They submitted that the management refused to allow the concerned workmen to resume duty, but one workman, namely, Kyum Mian whose name appeared in Sl. No. 1 as per order of transfer was allowed to resume his duty as per settlement entered into between them and the management. They alleged that the action of the management in dismissing the services of the concerned workmen was illegal, arbitrary and it violated the principle of natural justice. Accordingly, they submitted prayer to pass award directing the management to reinstate the concemed workmen with full back wages.

3. The management, on the contrary, after filling written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workmen. They submitted that the spansoring union made a complaint dated 15-9-87 to the A.L.C. (C), Dhanbad to the effect that the concerned workmen who were working as miner/loaders at Murulidih Colliery, Area No. II have been deprived to resume their duties there and also at Lohapatti Colliery, though they were transferred to Lohapatti by order of the General Manager dated 28-3-1982. On receipt of a copy of the complaint from the A.L.C.(C) they came to know that the union submitted a list of workmen containing their particulars by letter dated 7-4-88 indicating that the concerned workmen were appointed on 20-5-72 as miner/loaders at Murulidih Colliery. In spite of claiming so the sponsoring union failed to show the identity cards of the concerned workmen and also failed to give the numbers of CMPF Account. They thereafter searched old records, namely, payment-sheet to ascertain if the concerned workmen actually worked at Murulidih Colliery or not, but they did not find anything relying on which the claim of the sponsoring union could be supported. They disclosed that before employment of any workman by the management names are sponsored by the Employment Exchange or applications are invited on the basis of advertisement published in the Newspaper and after following proper procedure of recruitment they are recruited. In some cases the workmen are also taken on the roll of the management on the basis of awards or settlements passed by the Tribunal or Labour Courts. Thus for recruitment of workmen by the management there should be initial documents relating to each and every workman recruited after nationalisation of Coking Coal Mines. They further submitted that all the workmen of the management have been provided with identity cards and their names are recorded in Form 'B' Register. They are paid through pay-slips and they receive bonus on the basis of bonus cards. They are also provided with provident fund numbers and regular deduction is made from their wage for contribution towards CMPF. Therefore, no workman working under M/s. BCCL can say that he does not possess documents like identity card, pay slip, CMPF receipts and various other papers. The sponsoring uinon could not produce any paper or document to show that the concerned persons were ever employed at Murulidih Colliery. Therefore, the claim of the concerned workmen that they were appointed on 20-5-72 at Murulidih Colliery as miner/loaders was found to be false, baseless and imaginary and for which they are not entitled to get any relief. They further submitted that the Central Government refused to make reference of the aforesaid dispute for adjudication to an Industrial Tribunal on the demand of the concerned workmen and for which the said union filed a writ petition before the Hon'ble High Court, Patna, Ranchi Bench for issuance of direction to the Central Government to make a reference of the purported dispute to an Industrial Tribunal for adjudication. The said writ petition was numbered as CWJC No. 810/93(R).

Thereafter as per order of the Hon'ble Court the instant reference was made by the Ministry. Considering all the facts and circumstances stated by the management they submitted that the claim of the sponsoring union is liable to the rejected for want of merit and for which the concerned workmen are not entitled to get any relief in view of their prayer.

Points to be decided

4. "Whether the action of the management of Lohapatti Colliery of M/s. BCCL, in terminating/ dismissing from service S/Shri Mahendra Thakur and 44 others as per annexure from 12-12-1984 is justified ? If not, to what relief are the concerned workmen entitled ?"

Finding with reasons

5. It transpires from the record that the concerned workmen in order to substantiate the claim examined two witnesses, namely, WW-1 and WW-2 while the management also with a view to substantiate the claim examined one witness as MW-1.

Considering the facts disclosed in the written statements by both sides and also considering the evidence of both sides it transpires that as per claim of the sponsoring union that the concerned workmen were appointed as permanent underground loaders at Bhatdee Colliery during the year 1972. It is their further contention that the management thereafter vide Office Order No. 2400-19 transferred the concerned workmen to Murulidih Colliery from Bhatdee Colliery and subsequently they were transferred to Lohapatti Colliery, but the management of neither Murulidih Colliery or Lohapatti Colliery allowed them to join their duties. Accordingly, they submitted representation to the management to allow the concerned workmen to resume their duties but the management did not pay any comment to their appeal. They submitted that as per the said order 45 workmen were transferred from Bhatdee Colliery to Murulidih Colliery and as per list the name of one Kyum Mian came in Sl. No. 1. They disclosed that subsequently as per settlement the management allowed Kyum Mian to resume his duty but refused to allow the rest workmen to resume their duties. In support of their claim the sponsoring union relied on deliberation of the Joint Committee held on 5-10-91 at Koyla Bhawan, marked Ext. W-1 series. During hearing of the said deliberation the management submitted that Kyum Mian never worked at Lohapatti Colliery and therefore the question of his termination did not arise. However, they accepted the name of said Kyum Mian appearing in Sl. No. 1 of the transfer order alleged to have been issued vide No. 2400-19. Disclosing this fact they further disclosed that as the wage-sheets were traced in respect of the said workman i.e. Kyum Mian it established that he worked at Murulidih Colliery. Accordingly the management agreed to give employment to Kyum Mian provisionally as underground lander afresh at Murulidih Colliery subject to verification of his antecedent and character. Disclosing this fact it is the contention of the sponsoring union that the management though considered the employment of one workman i.e. Kyum Mian the employment of rest of the concerned workmen was not considered illegally and arbitrarily. The management categorically submitted that the said order of transfer *vide* Order No. 2400-19 is a manufactured one and cannot be relied on at all and for which the question of allowing the concerned workmen to resume their duties either at Murulidih Colliery or at Lohapatti Colliery did not arise at all. It transpires from the record that being aggrieved by the decision after management the sponsoring union raised an industrial dispute before the A.L.C. (C), Dhanbad. Thereafter the A.L.C. (C) issued notice to the management and the management after giving reply also categorically denied the fact about employment of the concerned workmen under them and also issuance of any such order being No. 2400-19 involved their transfer from Bhatdee to Murulidih and subsequently to Lohapatti Colliery. It is submitted that the A.L.C. (C) after hearing both sides submitted his report and in the report the A.L.C. (C) observed categorically :

> "A cursory lock over the zerox copy of the impugned office order dated 28-8-83 copy enclosed would certainly suggests that it pertains to the concerned 45 workmen but it is not so as reading of the contents reveals that it pertains to one and only single workman namely Shri Kyum Mian. The impugned order reads as follows :
>
> **ORDER**
>
> 'In pursuance of letter Mur/Transfer (WB)/ 2340 dated 1/4-7-83 Shri Kyum Mian Loader who had been transferred and released vide letter No. GM/Ar. II/Per/00/82 dated 28th March, 1982 is .... to report for duty to the Supdt. Lohapatti Colliery to work as Loader.'
>
> The contents of the impugned order dated 28-8-83 as reproduced above have no link or reference relating to the concemed 45 workman and therefore it is prima facie a forged document. This position was explained to the union representative on 25-10-88 and he was counselled and politely pursuaded to withdraw the dispute. He has favourably responded and agreed to withdraw the dispute from conciliation proceedings.
>
> The conciliation proceedings have been thus successful in investigating the true position of the claim of the union and convincing the union

representative to withdraw the dispute from conciliation proceedings. The dispute is thus treated as withdrawn.

Therefore from the A.L.C.(C)'s report it transpires clearly that the name of the concerned workmen were inserted from Sl. No. 2 to Sl. No. 46. It is obvious that the sponsoring union was not satisfied with the order passed by the A.L.C.(C), Dhanbad. Accordingly, the matter was referred to the Ministry and the Ministry also refused to refer the dispute considering the report. Against that order the sponsoring union preferred a writ petition before the Hon'ble High Court, Patna, Ranchi Bench and as per direction of the Hon'ble Court the instant reference was forwarded by the Ministry for disposal. It is the specific contention of the management that the transfer order being No. 2400-19 was manufactured one and for which there is no scope to give any importance to it. They further categorically submitted that the concerned workmen never worked either at Bhatdee Colliery or at Murulidih Colliery. Therefore the question of allowing them to resume their duties did not arise. Initial onus accordingly rests on the sponsoring union to establish that the concerned workmen were genuine permanent miner/loaders of Bhatdee Colliery and by order No. 2400-19 issued by the management they were transferred to Murulidih Colliery. In course of hearing the sponsoring union failed to produce a single scrap of paper to show that the said order of transfer was genuine one. It is fact that the sponsoring union called for the original transfer order from the management. The learned Advocate for the management in course of hearing submitted that the question of production of original transfer order No. 2400-19 did not arise at all because of the fact that no such order ever was issued by the management. In course of hearing the sponsoring union have failed to produce an iota of evidence in support of the claim of the transfer order of the concerned workman relying on which credibility of the claim of the management that the said transfer order was manufactured one could be questioned. On the contrary, the report of A.L.C. (C) which is lying with A.L.C.(C) record clearly has supported the claim of the management that the said order of transfer is a manufactured one. The management in course of hearing submitted that as their Organisation is a Government of India Undertaking they cannot shimsically appoint any workman. They are to follow regular process in the matter of recruitment of any workman under them. It is the contention of the management that the moment a workman is employed he is provided with Identity Card, his salary is paid through pay slip every month. He is provided with Bonus Card for drawing bonus and also they are provided with Provident Fund Number and regular deducton is made from their wages for contribution towards CMPF. They further disclosed that the moment a workman gets employment his all particulars are recorded in the Form 'B' Register. It is the claim of the sponsoring union that the concerned workman were permanent miner/loaders at Bhatdee Colliery since 1972 and long after their work in the said colliery they were transferred to Murulidih Colliery during the year 1979. Therefore, it is clear that from 1972 to middle part of 1979 the concerned workmen being permanent miner/loader worked at Bhatdee Colliery continuously. The said Bhatdee Colliery was nationalised during the year 1971-72. Therefore, from the initial stage the concerned workman were employees of the present management. Therefore, it is expected that the concerned workmen drew their wages through pay slip for years together. Definitely they had been provided with CMPF Number and their contribution was deducted from their salary. They were definitely provided with Identity Card. Definitely they received bonus card with a view to draw bonus year to year. It is really curious to note that excepting the alleged copy of transfer order No. 2400-19 which also appears to be illegible the sponsoring union have failed to produce a scrap of paper to show that the concerned workmen received wages as per wage slip, they received bonus through bonus card and their contribution towards provident fund were also deducted from their wages. They also have failed to produce Identity Card to show that they were employees under the management. It is the specific claim of the management that in case of appointment of any workman they issue letter of appointment. The concerned workmen got their appointment under the management in the year 1972. It is not the case of the sponsoring union that no letter of appointment was issued to the concerned workmen. Therefore, onus absolutely rests on the sponsoring union to establish that the concerned workmen not only received letter of appointment from the management during their employment but also received identity card, wage slip and bonus card etc. I find no hesitation to say that the sponsoring union have failed to produce a single scrap of paper that the concerned workmen since 1972 worked at Bhatdee Colliery as permanent miner/loader. Learned Advocate of the sponsoring union during hearing relied on the document marked as Ext. W-2 written by the Personnel Manager to the Dy. Personnel Manager (IR). I have carefully considered the said letter and considering the facts disclosed in the said letter there is no scope to arrive to any conclusion that the concerned workmen got their appointment at Bhatde Colliery in the year 1972 and worked their as permanent miner/loader till the middle part of 1979. The reference in the said letter given does not tally with the letter being No. 2400-19 alleged to have been issued by the management. Therefore, relying on this letter there is no scope to arrive to any conclusion in favour of the sponsoring union that the concerned workmen were permanent employees of the management and posted at Bhatdee Colliery.

6. Accordingly, after considering all the facts and circumstances, I find no hesitation to say that the

sponsoring union lamentably have failed to substantiate that the concerned workmen were permanent miner/loaders at Bhatdee Colliery since 1972 and inspite of valid order of transfer they were disallowed to join by the management of Murulidih Colliery. It has been disclosed by the sponsoring union that they were not allowed to join at Murulidih Colliery but they were asked to join at Lohapatti Colliery, but the management of Lohapatti Colliery also refused to allow them to work there. They have failed lamentably to establish that by separate order the management asked the concerned workmen to join at Lohapatti Colliery instead of Murulidih Colliery. The question of allowing the concerned workmen to resume their duties definitely will be considered if it is established with all satisfaction that they were regular and permanent employees of the management and the management illegally and arbitrarily violating the principles of natural justice dis-allowed them to join on transfer. Here excepting the alleged order of transfer being No. 2400-19 the existence of which has been categorically denied by the management claiming to be a manufactured one, the sponsoring union have failed to highlight the Tribunal with other cogent document with a view to substantiate their claim. As the sponsoring union have failed to substantiate their claim lamentably the concerned workmen are not entitled to got any relief.

7. In the result, I render the following award—

The action of the management of Lohapatti Colliery of M/s. B.C.C. Ltd. in terminating/dismissing from service S/Shri Mahendra Thakur and 44 others from 12-12-1984 is justified and hence the concerned workmen are not entitled to get any relief as per their prayer.

B. BISWAS, Presiding Officer

ANNEXURE

1. Shri Sakaldeo Paswan
2. Shri Suresh Yadav
3. Shri Rajender Thakur
4. Shri Ambika Thakur
5. Shri Satender Thakur
6. Shri Raj Mahmou
7. Shri Deerogi Thakur
8. Shri Muktar Mia
9. Shri Gani Mia
10. Shri Bramhadeo Thakur
11. Shri Krishna Kant Sinha
12. Shri Pramod Kumar Sinha
13. Shri Baban Sharma
14. Shri Jenlty Thakur
15. Shri Sohel Ahammed
16. Shri Sufik
17. Shri Mewalal Mahato
18. Shri Jayanti Lal
19. Shri Suresh Nonia
20. Shri Joydeo Thakur
21. Shri Suban Mishra
22. Shri Guroo Roy
23. Shri Janti Ram Mahate
24. Shri Hirani Mondal
25. Shri Deoki Mondal
26. Shri Jango Mondal
27. Shri Jagdish Mondal
28. Shri Diren Mondal
29. Shri Dinesh Mondal
30. Shri Domar Mondal
31. Shri Budhan Mondal
32. Shri Utham Mondal
33. Shri Sarju Mondal
34. Shri Brij Bhusan Prasad Gupta
35. Shri Aklu Mondal
36. Shri Babujan Ansari
37. Shri Miswoudin
38. Shri Sahali Mia
39. Shri Bhagwanta Mondal
40. Shri Mahesh Mondal
41. Shri Suresh Mondal
42. Shri Ashok Kumar Sinha
43. Shri Hari Thakur
44. Shri Rghunath Mondal

नई दिल्ली, 25 मई, 2004

का.आ. 1458—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद II के पंचाट (संदर्भ संख्या 121/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल-20012/259/1996-आई०आर० (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S.O. 1458—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government here by publishes the Award Ref. 121/97 of the Central Govt. Industrial Tribunal-cum-Labour Court Dhanbad-II Now as shown in the Annexure, in the industiral dispute between the employers in relation to the management of C.C.L. and their workmen, which was received by the Central Government on 24-5-2004.

[No. L-20012/259/96-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present :

Shri B. Biswas : Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

Reference No. 121 of 1997

Parties : Employers in relation to the management of Coal Handling Plant of Kalyani Project of M/s. CCL and their workmen.

Appearances :

On behalf of the workmen	: Mr. D. Mukherjee, Advocate.
On behalf of the employers	: Mr. D.K. Verma, Advocate.
State	: Jharkhand
Industry	: Coal

Dated, Dhanbad, the 30th April,2004

AWARD

1. The Government of India, Ministry of Labour, exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/259/96-IR (Coal-I), dated the 28-10-97/6-11-97.

SCHEDULE

"Whether the demand of the union for absorption/regularisation of Shri Ranjit Kumar Chakravorty and 275 others (as per list enclosed) on the rolls of the management of Coal Handling Plant, Kalyani Project of CCL is justified? If so to, what relief are the workmen entitled?"

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on their behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workmen have been working at Kalyani Coal Handling Plant since long with unblemished record of service. They were originally appointed by the intermediaries to construct Coal Handling Plant and accordingly the concerned workmen constructed the coal handling plant to the satisfaction of the management. After construction of the Coal Handling Plant load trial test was conducted and this operation was performed by the concerned workmen. Thereafter the said coal handling plant was handed over to the management for running it commercially and for production commercially and since the concerned workmen have been continuously in running the coal handling plant on commercial basis. Even after handling over of the coal handling plant by the alleged intermediaries the concerned workmen had been working continuously and regularly in the coal handling plant under the direct control supervision of the management. They submitted that the concerned workmen are working in the said plant in different permanent and perennial nature of job against permanent vacancy to the satisfaction of the management. They submitted that all implements for execution of the job are being supplied by the management and they are producing goods for the benefit of the colliery management. They submitted that each year the concerned workmen worked under the management for more than 240 days. They categorically denied the fact that the concerned workmen are neither the members of the cooperative society nor they are aware of the constitution of the alleged cooperative society. Actually they do not have any concern with the alleged cooperative society and for which this is to be treated as paper arrangement to camouflage the real issue knowing fully well of the fact. They further alleged, that the management never paid wages to them as per NCWA. Accordingly for their regularisation serveral representations were given to the management but to no effect and as a result of which they raised an industrial dispute before the ALC (C) Hazaribagh for conciliation which ultimately resulted reference to this Tribunal. The sponsoring Union accordingly submitted prayer to pass award directing the management for regularisation of the concerned workmen as per list with other consequential reliefs.

3. Management on the contrary after filing W.S. cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in their Written Statement. The submitted that no employer-employee relationship ever existed between them and the concerned workmen at any time and for which the present reference is not maintainable in the eye of law. They submitted that management entered into an agreement dt. 1-6-85 with M/s. I.C.B. Ltd., with its headquarters at Kalina in Mumbai for construction of Coal Handling Plant at kalyani project on trun key basis. As per terms and condition of the contract M/s. I.C.B. is required to complete design of the Coal Handling Plant and after getting approval from the company on the design they were engaged to carry on engineering job for construction of the plant. It was required to supply all equipments, materials and goods required for construction, erection and for all incidental job in connection with coal handling plant. It was also required to do the testing and to give trial run for some period after commissioning the coal handling plant and to satisfy the management that the coal handling plant was capable of handling 2 25 million tonnes per year. They submitted that the contractor i.e. M/s. I.C.B. Ltd., engaged some sub-contractor for carrying on civil construction job or for carrying on some fabrication jobs. They disclosed that as the contract awarded to M/s. I.C.B. Ltd., was on trun key basis the contractor is required to select his own men, to exercise control over them, to supervise their jobs and to make payment to them. The workmen of the sub-contractors were selected and recruited by the sub-contractors. Their work were supervised and controlled by the sub-contractors, and they were paid by the sub-contractor. Thus all the workmen of the contractors engaged in the job of constraction were the workmen of M/s. I.C.B. Ltd., or of the sub-contractors and they had no relationship of any kind with the management. They submitted that some of the workmen of the contractor M/s. I.C.B. Ltd. and some of the workmen of sub-contractors joined to form cooperative society for getting themselves employed through the contractor and sub-contractors in the constraction of the coal Handling Plant during the period of constraction as well as trial run. A large number of job seekers approached the cooperative society to become members with the sole idea of making out a claim for their future employment into the management of M/s. CCL demanding absorption/regularisation of their services to the management and adopted tactics of getting the case referred and getting employed with the help of litigation. They submitted a list containing such a large number of person is nothing but a list of persons who are job seekers, after the company took over charge of the Coal Handling Plant at Kalyani Project with Effect from 23-3-95. Prior to that date coal handling plant was under possession, control, direction and supervision of the officers of M/s. I.C.B. Ltd. who was a contractor engaged for construction and commissioning of the coal handling plant. They submitted that the contractor engaged the workmen on temporary basis and retrenched all the workers as per the provision of I.D. Act and paid them all their legitimate dues at the time of their retrenchment. They have not claimed any relief from the contractor and they have not brought any allegation against the contractor under the provision of the Contract Labour Regulation and Abolition Act, 1970. They submitted further that the present reference arising out of the demand made by the sponsoring union for providing employment to a large number of job seekers some of whom were workmen of ex-contractors have made out the peresent case taking chance of getting favourable award with the help of some manufactured document. It is submitted that the management is a Public Sector Undertaking and there exists well laid down procedure to recruit workmen in the company through Employment Exchange. After recruitment, appointment letters are issued and for the purpose of identification I.D. Cards are also issued. Payment to workman can only be given on production of pay slip which are given every month to each workman. The concerned workmen were not recruited by the management and also they did not issue any letter of appointment. No wages were paid to them by the management as per pay slips. They categorically denied the fact about the engagement of the concerned workmen to work under the management after taking charge of the plant by them with effect from 23-3-95. Accordingly they submitted that the claim of the sponsoring Union is not only flase, frivolous but also finds no basis and for which they are not entitled to get any relief.

4. **Points to be Decided**

"Whether the demand of the union for absorption/regularisation of Shri Ranjit Kumar Chakravorty and 275 others (as per list enclosed) on the rolls of the management of Coal Handling Plant, Kalyani Project of CCL is justified? If so, what relief are the workmen entitled?"

5. Finding with Reasons

It transpires from the record that the sponsoring Union with a view to substantiate their claim examined one witness as WW-1 while management also in support of their claim examined two witnesses as MW-1 and MW-2.

WW-1 who is one of the concerned workmen in the instant reference case during his evidence disclosed that construction of Coal Handling Plant started in the year 1986 and at that time for the construction of the said plant they were appointed by the contractor. In the month of December, 1992 the construction of the said plant was completed and thereafter commission of the said Plant started and finally the plant was handed over to the C.C.L. on 23rd March, 1995. Since that date i.e. 23rd March, 1995 CCL started running the said plant commercially and at

that time they were absorbed in the plant by Shukla Sahib, the General Manager, Dhoria Area. Since then they are working in the said plant continuously and practically put their attendance more than 300 days in each year. This witness disclosed that the management of CCL not only used to supervise their work but also used to supply implements for performing their work. They further submitted that the job which they used to perform are permanent in nature and it was the management who used to pay their wages for the work rendered by them but far below the rate of NCWA. The concerned workman during his evidence relied on the pay slips under signature of the Personnel Manager of the plant Satrughan Singh which were marked as Ext. W-1 series. This witness categorically denied the fact that they used to work in the plant after 23-3-95 as member of Cooperative society. During his evidence this witness disclosed that the pay slips were prepared by a clerk of CCL Murari Singh. However, he admitted the fact that they neither received any independent pay slip for payment of wages nor they received any letter of appointment or I.D. Card. He admitted that the contractor under whom they used to work initially supplied them with I.D. Card and on the basis of those I.D. Cards the sponsoring union raised the present dispute on their behalf. This witness also during his evidence failed to disclose which job they used to render after the operation of the said plant commercially. On the contrary he admitted that none of the workers ever received any authorisation from the management of CCL for their respective duties in the plant. MW-1 on the contrary during his evidence disclosed that for the entire construction of the said plant M/s. I.C.B. Construction was engaged as per agreement. The basis on which the said company was entrusted for the work was on turn key basis, for the entire work including supply of materials. The said contractor firm M/s. I.C.B. Co. appointed petty contractors for different works. M/s. I.C.B. Co. and the petty contractors appointed their own man power for the contractual work and they used to pay their employees. He admitted that they had the occasion to witness the payment of those employees of the contractors. He categorically denied thefact in the matter of engagement of the concerned workmen in this reference by the management. He submitted that appointment in CCL is generally made through Employment Exchange on selection by the screening committee and on ascertaining medical fitness. He further disclosed that employees of CCL are paid through computerised payment system. He further submitted that issuance of Pay slip is a condition precedent for making payment to the employees. It is his further contention that the management of CCL issue I.D. Cards to its employees. This witness during his evidence relied on the registration certificate of the contractors marked as Ext. M-1. Register of the contractor under CCL marked as Ext. M-2. Copy of argeement showing entrustment of I.C.B. Co. for commissioning of the Project marked as Ext. M-3. Photo copies of minutes of discussion held on 22-11-91 and 24-11-91 between the management and the representative of the J.C.M.U. marked as Ext. M-4 with a view to show that construction of Coal Handling plant was done by M/s. I.C.B. Co. as per agreement entered into between the said company and the management. This witness though admitted his signature in the wage sheets marked Ext. M-5 disclosed that such type of wage sheets are prepared by the contractor. He also categorically denied the fact that the concerned workmen were appointed by the management to perform their job there. MW-2 A.K. Shukla who was posted as Chief General Manager South Easter Coalfields during his evidence disclosed that as General Manager he was posted at Dhori Area under whose jurisdiction the said Kalyani Project initiated for construction. He stayed there as General Manager from June, 1993 to September, 1995. He disclosed that at that time the Coal Handling Plant was constructed by M/s. I.C.B. Co. on turn key basis at Kalyani Project. He categorically denied the fact that the concerned workmen as per this reference were absorbed in the said project under his order. Now considering the evidence of WW-1, MW-1, MW-2 and considering the facts disclosed in the pleadings it transpries that the claim of the concerned workmen came into existence with effect from 23-3-95 when finally the said plant was handed over to the management and started operating. In para-4.of the W.S. Submitted by the concerned workmen it has been specifically mentioned that Coal Handling Plant was handed over to the management for running it commercially for production and since then the concerned workmen have been working continuously in running the coal handling plant on commercial basis. Therefore, it is seen that the entire phase of the coal handling plant commencing from its construction till its starting operation commercially have two phases. The first phase includes construction of the plant and its trial run by the contractor firm M/s. I.C.B. Co. Ltd. while the second phase includes the handling over the said plant to the management on 23rd March, 1995 for its operation commercially. WW-1 during his cross-examination admitted that they were served with I.D. Card issued by M/s. I.C.B. Co. Ltd. He further admitted that on production of those I.D. Cards the same will show the identity of the workers appointed by the said Firm. He volunteers that on the basis of the said I.D. Cards the present dispute has been raised by them. As per Written statement it is not the case of the sponsoring union that M/s. I. C.B. Construction Co. was camouflage contractor who started construction of the coal handling plant. MW-1 during his evidence relied on relevant papers marked as Ext. M-1 to M-3 that on the basis of valid agreement contract was given to M/s. I.C.B. Co. Ltd. on turn key basis for construction of the said coal handling plant. Considering the evidence of the concerned workman it transpires clearly that initially these workers were employed M/s. I.C.B. Co. for construction of coal handling plant. After handing over the plant to the management the contract entered into between the

management and M/s. I.C.B. Co. ended and for which there was no relationship between the said contractor and the management. As the concerned workmen were the workers of the said contractors in natural course they were not required to serve under the management for construction of the plant. But a different picture comes in when it has been claimed by the sponsoring Union that the General Manager of Kalyani Project Dhori Area appointed the concerned workmen to work in the said coal handling plant when the said plant started running commercially with effect from 23-3-95. Therefore, it is to be looked into if the claim of the sponsoring union that the concerned workmen started working under the management being appointed by the General Manager, Kalyani Project, Dhori Area with effect from 23-3-95 finds any basis or not. MW-2 during his evidence categorically denied the fact relating to appointment of the concerned workmen in the Coal Handling Plant kalyani Project by him with effect from 23-3-95. It is the contention of the management that for engagement of any worker they collect names from the employment exchange as per rules and thereafter the screening committee selects the workmen on the basis of interview and appointment to that workman is given after he comes out medical test successfully. It is the further contention of the management that whether a workman is a workman of the management or not his pre-condition is that the said workman must be provided with independent computerised wage slips. Apart from issuance of wage slips they further submitted that not only appointment letter to each worker is issued for his engagement to work under the management but also he is provided with identity card. WW-1 during his evidence has failed to produce neither any letter of appointment nor any I.D. card to show that they were engaged by the management. As MW-2 categorically denied the fact about engagement of the concerned workman by him at Kalyani Project with effect from 23-3-95, onus absolutely rests on the sponsoring union to establish that they were actually engaged by MW-2. It is clear in view of evidence of WW-1 that they got their eligibility to work at kalyani Project when they were appointed by the General Manager, Kalyani Project, Dhori Area. It is not the case of the sponsoring union that though the concerned workmen were initially the workmen of M/s. I.C.B. Co. Ltd. and after completion of the construction work and handing over the Project to the management by the said construction company their workers were allowed to work there when it started running commercially. therefore, there is no scope to arrive into any conclusion on the basis of the facts stated above. It is the contention of the sponsoring union that since March, 1995 the concerned workmen started working at Kalyani Project continuously and put their attendance for more than 300 days in each year. It is the contention of the sponsoring union that though they were appointed by the General Manager, Dhori Area Kalyani Project the management never paid them wages as per N.C.W.A. The sponsoring in support of their claim relied on wagesheet Ext. W-1 series to show that they started working under the management with effect from the date mentioned above. They also relied on the signature of the Personnel Manager on the wagesheets. MW-1 during his evidence disclosed that the management never issued such type of wagesheets. he disclosed that the wagesheets which the sponsoring union relied on are like that of the wagesheets prepared by the contractors for payment of wages to their workers. He disclosed that the management issued computerised wagesheets seperately to each worker. Inspite of disclosing this fact MW-1 admitted his signature on the wagesheets which the sponsoring union relied on in support of their claim. No explanation is forthcoming on the part of the management in which capacity MW-1 signed those wagesheets. Learned Advocate for the management in course of hearing submitted that signature appearing in the wagesheets of MW-1 do not signify that those wagesheets were prepared by the management in the matter of payment of wages to the concerned workmen and for which as signature of MW-1appears in the same the management cannot be liable to take responsibility of issuing of those wagesheets for the concerned workman. It is further contention of the learned Advocate for the management that in case any workman is appointed by the management question of showing discrimination in payment of wages will not arise as they are entitled to get wages as per NCWA. Therefore, the allegation which the sponsoring union have brought in the matter of payment of wages far below the rate of N.C.W.A. to the concerned workmen finds no basis and for which the same cannot be accepted. The representative of the concerned workmen in course of hearing has failed to produce a single scrap of paper to show that the concerned workmen either got any letter of appointment or provided with I.D. Card. Not a single scrap of paper excepting the wagesheets is forthcoming before this Tribunal to show that the concerned workmen put their attendance for more than 300 days in each year. It is the contention of the sponsoring union that since 23-3-95 the concerned workmen started working regularly under the management being appointed by the General Manager. It is really curious to note that the sponsoring union did not disclose the designation of each concerned workmen who got their appointment by order of the General Manager. They even did not disclose which duties had been allotted to the concerned workmen to perform. A workman who is appointed by the management is liable to perform duties with the help of implements provided to him by the management. Therefore, it is not the material factor to be considered. The material factor which is to be considered is what was the designation of the concerned workmen when they were appointed by the General Manager and which duties were allotted to them to perform. It is vague term to consider that the concerned workmen worked under the management continuously. untill and unless it is explained which duties they had to

perform during continuance of their work and under which designation. I find no hesitation to say that the sponsoring union in course of hearing have failed to satisfy the Tribunal in respect of the points discussed above.

However, learned Advocate for the concerned workman during hearing relied on the following decisions in support of their claim. 1992 (2) LLN 612 (SC), 1985 Supreme Court Cases (L&S) 975 1996-II-LLJ 435 (SC), S.C.L.J. Vol. 15.p. 112 (SC), SCLJ Vol. VI P. 3867 (SC), S.C.L.J. Vol. II SC-P. 1557, 1997 LLR 288 (SC) 1995 II CRL 194, 1987 Lab I.C. P. 619 (SC), FLR-1990 (60) P-20 (SC).

6. In the decision reported in 1992(2) LLN 612 in connection with Haryana State Electricity Board their Lordships of the Hon'ble Apex Court in para 13 observed to the effect that "there is however, a total unaniminity of judicial pronouncement to the effect that in the even, the Contract Labour is employed in an establishment for seasonal workings, question of abolition would not arise but in the event of the same being perennial in nature, that is to say, in the event of engagement of labour force through intermediary which is otherwise in the ordinary course of events and involve continuity in the work, the legislature is can did enought to record its abolition since involvement of contractor may have its serious evil of labour exploitation and thus he ought to go out of scene bringing together the principal employer and the contract labourers rendering the employment as direct and resultantly a direct employees." In arriving into this conculusion Their Lord ships referred to the decision of AIR India Statutory Corporation *Vs.* United Labour Union (1993)(1) LLN 75.

Again the decision reported in 1985 Supreme Court cases (L&S) 975 in connection with Reserve Bank of India and Others Their Lordships of the Hon'ble Apex Court observed that striking out the names of workmen from rolls amounts to retrenchment covered by Sec. 25F of the I.D. Act if it is found that the workman actually worked for a continuous period of more than 240 days in a year including Sundays and other paid holidays.

In the decision reported in 1996 II-LLJ P. 435 (SC) in connection with the Employees State Insurance Corporation, Hyderabad *Vs.* Rajakamal Transport & Anr. Their Lordships of the Hon'ble Apex Court observed to the effect "It is seen that the Insurance Court after elaborate consideration found as a fact, the appellants have the control over loading and unloading of the goods entrusted to the appellant. The appellants regular business is transportation of goods entrusted to as carrier. When the goods are brought to the warehouse of the appellants, necessarily the appellants have to get the goods loaded or unloaded through the Hemalis and they control the activities of loading and unloading. It is true as found by the Insurance Court that instead of appellants directly paying the charges from their pocket, they collect as a part of the consideration for transportation of the goods from the customers any pay the amount to the Hamalis. The test of payment of salary or wages in the facts of this case is not relevant consideration. What is important is that they work in connection with the work of the establishment. The loading and unloading of the work is done at their directions and control." While in the decision reported in SCLJ Vol. 15 P-112(SC) in connection with the case of Hussainbhai, Calicut *Vs.* The Alath Factory Thezhil, Ali, Union Kozhikode and Others Their Lordships observed. "The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the busines: of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill and continued employment. If he for any reason chokes of the worker is vitually laid off. the presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex-contract is of consequence when, on lifting the veil or looking at the conspectus of factors governing employment,discern the naked truth, though draped in different perfect paper arrangement, that the real is the management not the intermediate contractor, myriad devices, half hidden unfold after fold of legal forum depending on the degree of concealment needed, the type of industry, the local conditions and the like may be restored to when labour legislation castes welfare obligation on the real employer, based on Articles 38, 39, 42, 43 and 43-A of the Constitution. The Court must be a statute to avoid the mischief and achieve the purpose of the land and not to misled by the maya of legal appearances.

If the livelihood of the workmen substantially depends on labour rendered to produce goods and services for the benefit and satisfaction of an enterprise, the absence of direct relationship or the presence of dubious intermediaries or the make believe trapping of detachment from the management cannot snap the real life bond. The story may vary but the reference defines ingenuinity. The liability cannot be shaken off.

Again in the decision reported in LLJ Vol. II 1964 P-633 (SC) in D.C. Dewan Mohiddan Sahib & Sons and Another *Vs.* United Bidi Workers Union, Salem and another Their Lordships of the Hon'ble Apex Court observed to the effect "On a review to entire evidence in the instant case the Industrial Tribunal found that the system of bidi manufactur through the so called intermediaries (styled as contractors) was a mere camouflage devised by bidi manufacture. The Industrial Tribunal also found that the so called contractors were indigent persons and served no particular duties and discharged no special functions. Raw materials were furnished by the manufacturers to be manufactured into finished product by the workmen and the contractors had no other functions except to take the raw materials to the workmen and gather the manufactured materials. It therefore hold that so called contractors were not independent

contractors and were mere employees or were functioning as branch managers of various factories, their remuneration being dependent upon the work turned out Hence it held that the bidi rollers were the employees of the bidi manufacturers and not of the socalled independent contractors. the writ petition preferred by the employer to get the award quashed was however allowed but in the Writ appeal preferred by the concerned workmen the conclusions of the industrial Tribunal were upheld."

Further in the decision reported in 1997 LLR 288 (SC) arising out of Air India Statutory Corporation *Vs.* United Labour Union and Others. Their Lordships of the Hon'ble Apex Court observe "When the contract labour system is abolished by necessary implication, the principal employer is under obligation to absorb the contract labours. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between the principal employer and the contract labour as its employees. Considered from perspective all the workmen in the respective services working on contract labour are required to be absorbed in the establishment of the Principal employer.

In the decision reported in 1995 11 CLR 194(SC) in Parimal Ch. Laha and Ors. *Vs.* Life Insurance Corporation of India and Ors. Their Lordships of the Hon'ble Apex Court observed "that the canteen workers are in fact the employees of the respondent corporation and they are entitled to minimum of the salary paid to Class IV employees of the Corporation."

In Catering cleaners of South Eastern Railway *Vs.* Union of India reported in 1987 Lab I.C. 619 Their Lordships of the Hon'ble Apex Court observed that "on the facts and the report of the Parliamentary committee of petitions on the question of employing catering cleaners on contract labour system that the work of cleaning catering establishment and pantry car is necessary and incidental to the Industry or business of the Southern Railway and so requirement (a) of Sec. 10(2) is satisfied, that it is of perennial nature and so requirement (b) is satisified, that the work is done through regular workmen in most railways in the country and so requirement (c) is satisfied and that the work requires the employment of sufficient number of whole time workmen and so requirement (d) is also satisfied. Thus all the relevant facts mentioned in Sec. 10(2) appears to be satisfactorily accounted for, in addition is the factor or profitability of the catering establishment."

In Shankar Mukherjee and Others Vs. Union of India and Others reported in FLR. 1990 (60) P. 20 (SC) Their Lordships of the Hon'ble Apex Court observed "It is surprising that more than forty years after the independent, the practice of employing labour through contractors by big companies including public sector companies is still being accepted as a normal feature of labour employment. There is no security of service to the workmen and their wages are far below than that of regular workmen of the company. This Court in Standard Vacuum Refining Co. of India Ltd. *Vs.* its workmen (1) and catering cleaners of Southern Railway (2) has disapproved the system of contract Labour holding it to be 'archaie', 'Primitive' and of painful nature. The system, which is nothing but an improved version of bonded labour, is sought to be abolished by the Act. The Act is an important piece of social legislation for the welfare of labourers and has to be liberally construed.

Learned Advocate for the workmen in course of extending argument submitted that the alleged contractor was a camouflage one and it was the management who indisguise of the said camouflage contractor exploited the services of the workmen for years together. Learned Advocate submitted that the concerned workmen should be considered as regular workmen of the management and in support of this claim he relied on the decision reported in SCLJ Vol. VI p. 3867. In the said decision arising of M/s. Basti Sugar Mills Ltd. and Ram Ujagar, Their Lordships observed "It was with a view to remove the difficulty in the way of workmen employed by contractors that the definition of employer has been extended by sub-clause (iv) of Sec. 2 (j). The position thus is (a) that the respondents are workmen within the management of Sec. 2(z) being persons employed in the industry to do manual work for reward and (b) they were employed by a contractor with whom the appellant company had contracted in the course of conducting the industry for the executions by the said contractor of the work of removal of press mud which is ordinarily a part of the Industry. It follows, therefore, from Sec. 2(z) read with sub-clause (iv) of Section 2 (i) of the Act that they are workmen of the appellant company and the appellant company is their employer.

On the contrary Learned Advocate for the management relying on the decision of the Hon'ble Apex Court reported in 2001 Lab I.C. 3656 submitted that there is also no scope for direct absorption of the concerned workmen considering them as regular employees even if it is held that they were camouflage contract labour. Their Lordships of the Hon'ble Apex Court observed in the decision referred to above that "Neither Section 10 of the Contract Labour (Regulation and Abolition) Act nor any other provision in the Act, whether expressly nor by necessary implication, provides for automatic absorption of contract labour on issuing a notification by appropriate Government under Sub-sec. (i) of Section 10 prohibiting employment of contract labour, in any process, operation or other works in any establishment. Consequently the principal employer cannot be required to order absorption of the contract labour working in the concerned establishment. Accordingly there Lordships of the Hon'ble Court overruled the judgement of Air India's case. Their Lordship in this judgement further observed that on issuance of prohibition notification under Sec. 10(1) of the Contract Labour (Regulation and Abolition) Act prohibiting employment of contract labour or otherwise, in

an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under genuine contract or is a mere ruse/ camouflage to evade compliance of various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularise the services of the contract labour in the concerned establishment subject to the condition as may be specified by it for that purpose in the light of para-6 of the judgement. Hon'ble Court in para-6 observed if the contract is found to be genuine and prohibition notification under Section 10(1) of the Contract Labour (Regulation and Abolition) Act in respect of the concerned establishment has been issued by the appropriate Govt., prohibiting employment of contract labour in any process, operation or other work of any establihment and where in such process operation or other work of the establishment the principal employer intends to employ regular workmen he shall give preference to the erstwhile contract labour, if otherwise found suitable and if necessary by relaxing the conditions as to maximum age appropriating taking into consideration the age of the workers at the time of their initial employment, by the contractor and also relaxing the condition as to academic qualifications other than technical qualification.

Therefore, from the decision referred to above it is clear that when there is prohibitory order U/s. 10(1) of the Contract Labour (Regulation and Abolition) Act and knowing fully aware of that order if the management engages contract labour thereby it will not confer any right to place claim for direct absorption of the contract labour in the organisation but if it is established that the contractor is a ruse/camouflage in that case the contract labours should be considered as employees of the management though in the matter of their absorption the guidelines given in para-6 should be followed.

7. After careful consideration of all the decisions referred to above and also considering the facts disclosed in the pleadings of both sides and also considering evidence of the workmen and management I hold that M/s. I.C.B. Construction Co. was engaged for construction of Coal Handling plant at Kalyani Project on the basis of proper agreement entered into between that organisation and the management. Therefore, there is no scope at all to say that the said contractor who was engaged for construction of Coal Handling plant was a camouflage contractor. Accordingly on this point wherefore, scope to draw any conclusion that the concerned workmen who worked under M/s. I.C.B .Co. Construction and also under Sub-contractors are actually workers of the management. It transpires from the document marked as Ext. M-4 that the sponsoring union entered into a discussion with the management over absorption of the concenrned workmen who worked for construction of Coal Handling plant under M/s. I.C.B. Co. construction and under Sub-contractor. Record note of discussion held on 22-11-91 and 24-11-91 speaks clearly that management assured to consider employment of any technical hand and I.T.I. candidates amongst such workers if the company recruits persons from outside and their names are sponsored by the Employment Exchange under normal rules along with others. In respect of absorption of other workers management regretted the demand of the sponsoring union. It is seen that thereafter in the month August, 1984 the sponsoring union raised an industrial dispute before the ALC (C) for conciliation relating to regularisation of the concerned workmen. In view of discussions made above it is clear that all the concerned workmen were the workmen of M/s. I.C.B. Construction Co. and Sub-contractors and they were engaged by those organisations for Construction of Caol handling plant at Kalyani Project. The said work was completed during the month of March and plant in question was handed over to the management on 23-5-95 for its commercial operation. The conciliation proceeding was initiated by the sponsoring union against the management for regularisation of the concerned workmen when those workmen were still workmen of M/s. I.C.B. Co. Ltd and other sub-contractors. As per minutes of discussion already referred to above the sponsoring union took the plea for regularisation of the concerned workmen as they worked for some years continuously under the contractors for construction of coal handling plant. There is no dispute to hold that some years were consumed for construction of coal handling plant and for that reason the concerned workmen got the scope to work there. It is clear that the concerned workmen were not the workmen of the management but the workmen of the contractors. Management expressed their in ability in course of discussion with the sponsoring union to absorb such huge number of workers as they were suffering from surplus man power. It is clear that no employer-employee relationship was ever created between the concerned workmen and the management as they were absolutely the workmen of the contractors. I have failed to understand when such position was prevailing how the sponsoring union placed their claim bny raising industrial dispute for regularisation of the concerned workmen. If such practice is indulged in that case it is to be taken into consideration that even for construction of anyplant the management should be refrained from engaging any contractor but the are compelled to absorb the contractors workers as their workers. Such practice or demand cannot be indulged in any manner for proper growth of industry in our country. It is clear in view of discussion made above that the concerned workmen never worked under the management being

appointed by them. On the contrary they worked under the contractor on being employed by them for the reason which I have already stated above. Therefor, contractors workers cannot be considered as the workers of the management and accordingly there is no scope at all to issue any direction to the management for their absorption. I therefore, hold that in the instant case there is no material ground relying on which the claim of the sponsoring union could be supported for absorption/regularisation of the concerned workmen.

In the result, the followings Award is rendered :—

"The demand of the Union for absorption/ regularisation of Shri Ranjit Kumar Chakraborty and 275 others (as per list enclosed) on the rolls for the management of Coal Handling plant, Kalyani project of CCL is not justified. Consequently, the concerned workmen are not entitled to get any relief."

B. BISWAS, Presiding Officer.

List of Workmen mention in the Terms of Reference

Order No. L-20012/259/96-IR(C-I)

Name	Father's/Husband's Name
1	2
1. Ranjeet Kr. Chakraborty	Manidra Charkraborty
2. Aditya Chakraborty	P. N. Chakraborty
3. Arjun Kr. Das	Late J. M. Das
4. Arbind Kr. Upadhyay	K.K. Upadhyay
5. Prabhu Mahto	Siwan Mahto
6. Dwarika Mahato	Patha Mahato
7. Khari Ram Mahato	Late Tijan Mahato
8. Mobiddin Khan	Md. Abdul Raut Khan
9. Maqbul Ansari	Mubarak Ansari
10. Doman Mahato	Ganpat Mahato
11. Dinbandhu Prasad	Tribeni Pd.
12. Ram Pd. Mahato	Hemlal Mahto
13. Md. Siraj Ansari	Dukhi Mia
14. Munni lal Mahto	Teko Mahto
15. Arjun Thakur	Bhola Thakur
16. Panbabu Ansari	Isak Ansari
17. Sanu Mahto	Late Hiraman Mahto
18. Premchand Mahto	Rewat Lal Mahto
19. Rabindra Thakur	Brahmdeo Thakur
20. Md. Jalil	Md. Ishaq
21. Tika Ram Mahto	Chidan Mahto
22. Bishwanath Hemrom	Chutu Hemrom
23. Ram Singh	Mahawarani Singh
24. Sewa Ram Mahto	Sukar Mahto
25. Rajendra Pd. Mahato	Patha Mahato
26. Basudeo Sharma	Sadhu Sharma
27. Tribani Singh	Nand Kishor Singh
28. Ram Kr. Pathak	Niwash Pathak
29. Thakur Ram Mahto	Narayan Mahto
30. Mustakim Ansari	M.D. Mahori Ansari
31. Bhagirath Raut	Karli Raut
32. Jagar Nath Yadav	Rambridsh Yadav
33. Praritosh Das	Sukha Ranjan Das
34. Deg Narayan Mahato	Chiru Mahato
35. Chitta Narayan Thakur	Birbal Thakur
36. Rajendra Pd.	K. R. Prajapati
37. Tarkeshwar Pd. Mahto	Kamleshwar Ram Mahto
38. Md. Jamal Ansari	Md. Dilwar Ansari
39. Basir Khan	Abdul Khan
40. Gopal Mahto	Dilu Mahto
41. Chhutu Manjhi	Late Pusa Manjhi
42. Imtiyaz Ansari	Subhani Ansari
43. Daleshwar Mahto	Patti Mahto
44. Sohan Mahato	Kitak Mahto
45. Jailal Mahto	Durga Mahto
46. Gunadhan Giri	Paryag Giri
47. Birbal Thakur	Sadhu Thakur
48. Gautam Tiwari	Ram Anup Tiwari
49. Parimal Ch. Rai	Upendra Ch. Rai
50. Suprabhat Debsharma	D. Debsharma
51. P. N. Prakash	K.N. Kurup
52. Basant Lal	Shiotahal Mahto
53. Suresh Kr. Purty	Alarjo Purty
54. Karlush Kangari	S. Kangari
55. Augesten Soren	Tarcious Soren
56. Gumdi Biruli	Lankeshwar Birali
57. Masi Das	Khaira Kangari
58. Soma Das Topno	Johan Topno
59. Md. U. Khan	Yakub Khan

1	2
60. Kumar Bhagat	Bhular Bhagat
61. Md. M. Khan	Md. Main Khan
62. Shiv kumar	C. M. Verma
63. Bhuneshwar Mehta	Narayan Mehta
64. Rasbihari Nanda	Parman Nanda
65. Ajit Kr. Giri	Bhuwneshwar Giri
66. Narayan Mahto	Suraj Mahto
67. Tulsi Mahato	Late Hiraman Mahato
68. Gopal Pd. Choudhary	Ritlal Choudhary
69. Umakant Giri	Ram Pd. Giri
70. Badri Nath Mahto	Mukund Mahto
71. Md. Sahabuddin Ansari	Md. Jahiruddin Aansari
72. Md. Sarif Anshari	Md. Dukhi Ali
73. Dhanashar Mahato	Rati Mahato
74. K.D. Upadhyay	Krishnakant Upadhyay
75. Md. Sulaman Ansari	Md. Imanuddin Ansari
76. Shambhu Giri	Late Mangal Giri
77. Punit Mahato	Siwan Mahato
78. Arjun Kr. Singh	Shyamu Singh
79. Sanjay Kr.	C. M. Verma
80. Subrata Debsharma	Dhirendra Nath Debsharma
81. V. N. Sharma	R. S. Sharma
82. Rajdeo Pandey	Ram Pd. Pandey
83. Umesh Sharma	Ritlal Sharma
84. Ramchandra Sharma	Lakhan Sharma
85. Md. Jainduddin Ansari	Md. Hadish Ansari
86. Md. Suleman Ansari	Md. Tahla Ansari
87. Taklal Mahto	Lilu Mahto
88. Shivshankar Sharma	Deo Muni Sharma
89. Ramsagun Singh	Birju Singh
90. Larik Roy	Bhagwan Roy
91. Bhim Singh	Jagdambar Singh
92. Bindeshwari Paswan	Joytis Paswan
93. Ibar Ahmad	Md. Abdul Raufi
94. P.N. Singh	Birju Singh
95. Shankar Singh	Rambilash Singh
96. Murat Mahto	Uttim Mahto
97. Suresh Tury	B. Tury
98. Memia Devi	Late R. Soren
99. Doman Mahto-II	Judu Mahto
100. Banni Mahto	Chaman Mahto
101. Mishri Mahto	Bhagwan Mahto
102. Ishwar Mahto	Late Harkhu Mahto
103. Manoj Kr.	C.M. Verma
104. Atwari Singh	Sitaram Singh
105. Hiraman Mahto	Chaman Mahto
106. Sushil Singh	Lusa Singh
107. Pradeep Singh	Rameshwar Singh
108. Karamchand Ravidas	Jhari Ravidas
109. Nem Narayan Mahto	Uttim Mahto
110. Suresh Pd. Singh	Biran Singh
111. Uttam Kr.	N. Thakur
112. Birendra Pd. Gupta	Bhola Pd. Gupta
113. Ranjit Kr. Giri	Dileshwar Giri
114. Harinandan Mahto	Tekochand Mahto
115. Gangadhar Mahto	Bhullu Mahto
116. Ganga Singh	Goma Singh
117. Hublal Mahto	Budhan Mahto
118. Bhim Mahto	Raghu Mahto
119. Phagu Bhagat	Sitaram Bhagat
120. Lalu Singh	Okil Singh
121. Mojib Rahman Ansari	Sahabuddin Ansari
122. Rabindra Nath Mandi	S. Mandi
123. Mutsfiz Ahmad	Md. Naimuddin Ahmad
124. Rayazuddin Ansari	Habib Ansari
125. Md. Sahid Ansari	Md. Rahim Ansari
126. Sukhdeo Sharma	Banarasi Sharma
127. Manoj Bharti	Subhash Bharti
128. Wahid Ansari	Hamid Ansari
129. Naresh Sharma	Sh. Bhuneshwar Sharma
130. Akbar Ansari	Himmatali Mia
131. Nunchand Manjhi	Pusa Manjhi
132. Goopal Mahato	Badri Mahato
133. Md. Nazir Ansari	Khadhar Mia
134. Jogendra Mahto	Baij Nath Mahto
135. Yugal Kishor Giri	Baij Nath Giri
136. Tapas Kr. Ghosh	Monmoth Nath Ghosh
137. Samir Ansari	Md. Dukhi Mia
138. B.K. Singh	Givila Singh
139. Gaina Yadav	Ram Yadav
140. Kameshwar Yadav	R.R. Choudhary

1	2
141. Sadbabu Ansari	Mubamad Ansari
142. Jainul Ansari	Md. Lal Mohammad Ansari
143. Premchand Mahto-II	Shyam Lal Mahto
144. Munna Singh	Rajballam Singh
145. Md. Nasim	Md. Salamat
146. Khublal Mahto	Budhan Mahto
147. Mangal Sharma	Bhairo Sharma
148. Manoj Kr. Tiwari	Ram Anup Tiwari
149. Rama Shankar Yadav	Bishun Yadav
150. Jiyaul Ansari	Sahabuddin Ansari
151. Munit Ram Chouhan	Mohan Chouhan
152. Bhimlal Mahto	Teko Mahto
153. Dulal Chakraborty	Manigopal Chakraborty
154. Md. Kalim Ansari	Md. Israil
155. Bhola Nath	Munka Sharma
156. R.R. Raju	Ram Pandikar
157. Rajnikant Jha	Basinath Jha
158. Nageshwar Mahto	Bhagat Lal Mahto
159. B. Prasad	T. Prasad
160. Kayum Ansari	Rajan Ansari
161. Alimuddin Ansari	Md. Jamiruddin Ansari
162. Kurban Ansari	Md. Bhaglu Ansari
163. Esmael Ansari	Habib Ansari
164. Munsi Ansari	Md. Bhaglu Ansari
165. Usman Ansari	Md. Abdul Ansari
166. Gulam Ansari	Md. Surdali Ansari
167. Gayasuddin Ansari	Rabout Ansari
168. Bhuneshwar Mahto	Khublal Mahto
169. Bishnath Mahto	Khuddu Mahto
170. Pritam Mahto	Ganga Mahto
171. Zitendra Singh	Shri D.C. Ram
172. Thaneshwar Mahto	Ghanshyam Mahto
173. Arjun Prasad	Late Maheshwar Pd.
174. Harendra Prasad	Late Maheshwar Mandal
175. Laxman Mahto	Narayan Mahto
176. Farid Ansari	Md. Esuf Mia
177. Rafiq Ansari	Asharafi Ansari
178. Birendra Kr. Singh	Tej Narayan Singh
179. Sanichar Singh	Pooha Singh
180. Mahabir Mahto	Khelo Mahto

1	2
181. Chaturbhuz Mandal	Budhan Mandal
182. Kamdeo Singh	K.D. Singh
183. Hari Pd. Mahto	Bhulu Mahto
184. Kedar Nath Ravi	Raj Nath Ravi
185. Samim Ansari	Munsi Ansari
186. Emtiyaz Ansari-II	Nejamuddin Ansari
187. Dukhan Mahato	Utim Mahato
188. Chunilal Mahato	Babuchand Mahato
189. Mohiuddin Ansari	Sh. Ioldu Mia
190. Jalaluddin Ansari	Khalo Ansari
191. Kadir Ansari	Gulam Rasul Ansari
192. Jasimuddin Ansari	Karim Ansari
193. Hukma Manjhi	Muha Manjhi
194. Ram Kishun Manjhi	Bashu Manjhi
195. Sankar Maharit	D. Maharit
196. Mohan Mahto	Deo Lal Mahto
197.. Mahabir Manjhi	Mahadeo Manjhi
198. Somar Manji	Chopa Manji
199. Mangar Manjhi	Kailash Manji
200. Gujar Manjhi	Bashu Manji
201. Karma Manji	Munshi Manjhi
202. Bipan Manji	Mansingh Manji
203. Sukar Mahto	Lapa Mahto
204. Kailash Singh	Baldeo Singh
205. Parboti Devi	Kartik Manjhi
206. Rani Devi	Kali Manji
207. Saraswati Devi	Bishu Manjhi
208. Santi Devi	Lepa Manjhi
209. Upashi Kamin	Bipan Manhji
210. Prabati Devi-II	Purna Manji
211. Basanti Devi	Devilal Manji
212. Mukhlal Mahto	Ratilal Mahto
213. Chandmuni Devi	Devilal Manji
214. Basanti	Shanichar Manjhi
215. Surjit Devi	Harma Manjhi
216. Ratin Devi	Hukma Manjhi
217. Atwari Devi	Siwlal Manjhi
218. Budhni	Choka Manjhi
219. Parbati Devi	Gopi Munnu
220. Sital Manjhi	Mahabir Manjhi
221. Basanti Devi-II	Benu Manjhi

1	2
222. Lakhi Pd. Mahto	B. Prasad Mahto
223. Motilal Manjhi	Chaitun Manjhi
224. Sikrari Manjhi	Basu Manjhi
225. Kanti Devi	Thabu Manjhi
226. Baburam Mahto	Gopi Mahto
227. Kokilchand Mahato	Chhotu Mahato
228. Parmeshwar Mahato	Chhutu Mahato
229. Dinu Mahato	Kartic Mahato
230. Biru Mahato	Paran Mahato
231. Ghuja Mahato	Bhagirath Mahato
232. Mahabir Mahato	Jairam Mahato
233. Thanu Mahato	Neman Mahato
234. Shiv Pd. Mahato	Bali Mahato
235. Durga Mahato	Narayan Mahato
236. Srikrishna Pd. Biruli	Bijay Singh Biruli
237. Jainarayan Pandit	Sohraj Pandit
238. Chhtradhary Mahato	Ritu Mahato
239. Binod Mahato	Hulash Mahato
240. Kashinath Mahato	Haridhan Mahato
241. Janti Devi	Biru Mahato
242. Mala Devi	Chaman Mahato
243. Lali Devi	Binod Mahato
244. Anita Devi	Shibu Manjhi
245. Hira Muni	Sanu Manjhi
246. Kajri Kumari	Jagarnath Manjhi
247. Phulmani Devi	Aghnu Manjhi
248. Ratni Bai	Firat Das
249. Santi Devi-II	Nanka Yadav
250. Ramlal Mahto	Bodha Mahato
251. Baldeo Mahato	Fagu Mahato
252. Chola Mahto	Somar Mahto
253. Manoj Mahato	Kartik Mahato
254. Shrishtidhar Mahto	Andu Mahao
255. Jugal Mahto	Ruplal Mahto
256. Fuleswar Mahto	Narayan Mahto
257. Md. Abas	Mustafa Mia
258. P. Ramanand Misra	Mahadeeo Misra
259. Vijay Madhi	Chetan Madhi
260. Lalu Mahto	Somar Mahto
261. Mohan Mahto-II	Late Maful Mahto
262. Chandradeo Misra	Bijay Misra
263. Suchand Mahto	Raghu Mahto
264. Bharat Mahato	Rati Mahato
265. Parmod Singh	Lakhan Singh
266. Hari Prasad	Biswanath Mahto
267. Sona Ram Manjhi	Lakhi Manjhi
268. Chat Lal Manjhi	Mohan Manjhi
269. Pati Mahato	Bodhan Mahato
270. Shantu Kr.	Shiv Tahal Mahato
271. Kailash Mahato-II	Bhagi Mahato
272. Sanyu Mahto	Nakul Mahto
273. Chinta Muni	Sona Manjhi
274. Ajit Kr.	Bhagirat Mahto
275. Jitendra Kr. Verma	Babu Chand Mahto
276. Sita Ram	Shankar

नई दिल्ली, 25 मई, 2004

का.आ. 1459.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद II के पंचाट (संदर्भ संख्या 245/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल-20012/258/2001-आई.आर. (सी-I)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 25th May, 2004

S.O. 1459.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2452001) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad-II as shown in the Annexure, in the industiral dispute between the employers in relation to the management of B.C.C.L. and their workmen, received by the Central Government on 24-5-2004.

[No. L-20012/258/2001-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD

In the matter of a reference under 10(1)(d) (2A) of the Industrial Disputes Act., 1947.

REFERENCE NO. 245 OF 2001.

PARTIES : Employers in relation to the management of Angarpathra Colliery, Katras Area of BCCL.

AND

Their workmen.

PRESENT:
Shri B. Biswas,
Presiding Officer.

APPEARANCES:

For the Employers : Shri U. N. Lal
Advocate.

For the Workmen : None.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 30th April,2004

AWARD

By Order No. L-20012/258/2001-IR (Coal-I), dated the 13-9-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Angarpathra Colliery of M/s. BCCL in dismissing Shri Birsa Munda, Miner/Loader from 13-4-96 is justified? If not, what relief is the workmen entitled?"

2. The case of the management, in brief, is as follows :—

They submitted that the sponsoring union vide letter dated 11-7-2000 raised an industrial dispute before the A.L.C. (C), Dhanbad for conciliation over dismissal of the concerned workman from his service by the management w.e.f. 13-4-96 which ultimately resulted reference in this Tribunal for adjudication.

They disclosed that the concerned workman started absenting from duty unauthorisedly w.e.f. 26-7-94. Accordingly a charge-sheet was issued to him vide No. AP/CS/95/239 dated 11/13-2-95 as per provisions of Certified Standing Order. Thereafter a departmental enquiry was held in presence of the concerned workman and full opportunity was given to him to defend his case. They submitted that after completion of departmental enquiry the Enquiry Officer submitted his report holding the concerned workman guilty to the charges framed against him. They alleged that past attendance of the concerned workman was very poor. During 1992, 1993 he put his attendance for 38 days and 7 days respectively while during 1994 he did not put his attendance for a single day. Accordingly, on the basis of enquiry report submitted by the Enquiry Officer and also considering his past attendance Disciplinary Authority dismissed him from service vide letter No.AP/96/98 dated 6/13-4-96. They alleged that the concerned workman was never vigilant towards his duty and was in the habit of absenting from duty unauthorisedly from time to time. Disclosing this fact they submitted that the Disciplinary Authority neither committed and illegality nor took any arbitrary decision violating the principle of natural justice in dismissing him from his service.

3. It transpires from the record that inspite of getting ample opportunity the concerned workman/sponsoring union neither appeared nor submitted any written statement and for which the instant case was fixed for exparte hearing.

Points to be decided :

4. "Whether the action of the management of Angarthra Colliery of M/s. B.C.C. Ltd. In dismissing Sri Birsa Munda, Miner/Loader from 13-4-1996 is justified? If not, to what relief is the workman entitiled?"

Finding with Reasons :

5. It transpires from the record that before taking up hearing of this case on merit a preliminary issue was framed to consider whether domestic enquirey held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue was disposed of in favour of the management exparte vide order No. 7 dated 17-2-2004.

6. Now the point for consideration is if the management have been able to substantiate the charge brought against the concerned workman and if so whether he is entitled to get any relief under Sec. 11-A of the Industrial Disputes Act.

It is the specific contention of the management that as the concerned workman started himself absenting from duty unauthorisedly with effect from 26-7-1994 a charge-sheet was issued to him vide No. AP/CS/95/239 dated 11/13-2-95 as per provision of the Certified Standing Order. They submitted that the conduct of the concerned workman relating to his past attendance to his duty was very bad. They disclosed that during the years 1992 and 1993 he put his attendance for 38 days and 7 days respectively while in the year 1994 he did not put a single day's attencance. During evidence of MW-1 copy of charge-sheet issued to the concerned workman was marked as Ext. M-1 while reply given by him was marked as Ext. M-2. The charge-sheet marked as Ext. M-1 shows that under Clause 26 : 1 : 1 the same was issued for committing

misconduct on the ground of absenteeism. Reply to the charge-sheet given by the concerned workman as was not satisfactory a domestic enquiry was held against him through Enquiry Officer and full opportunity was given to him to defend his case. It is the specific contention of the management that inspite of giving full opportunity the concerned workman failed to justify the ground of his remain himself absent from duty unauthorisedly. The concerned workman took the plea that owing to illness of his wife and mother at his native village he was busy with their treatment and as he was sole male member of his family he did not get scope to join his duty leaving them at house. Though he took this plea in course of hearing of domestic enquiry proceeding he failed to produce a single medical paper in support of his ailment of his wife and mother. Management specifically asserted that past conduct of the concerned workman relating to his attendance for duty was very bad. The concerned workman also has failed to justify the reason for his such conduct satisfactorily. It is seen that relying on the enquiry report (Ext. M-6) submitted by the Enquiry Officer the Disciplinary Authority dismissed him from his service. The order of dismissal during evidence of MW-1 was marked as Ext. M-8.

Charge-sheet was issued to the concerned workman under clause 26 : 1: 1 of the Certified Standing Order for committing misconduct on the ground of unauthorised absence. Accordingly, Bonus on the concerned workman to justify the reason of such unauthorised absence for a long period with congent proof. Considering all materials on record I find no hesitation to say that he was lamentently failed to justify his claim. He has also failed to justify his past conduct in the matter of remaining himself absent from duty unauthorisedly.

As such after careful consideration of all the facts and circumstances I hold that the management have been able to establish the charge brought against the concerned workman.

It is seen that Disciplinary Authority after considering the report submitted by the Enquiry Officer and also after considering all aspects dismissed the concerned workman from his service.

7. Now the point for consideration if the concerned workman is entitled to get any relief U/S. 11-A of the Industrial Disputes Act.

Sec. 11-A speaks—"Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require :

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter."

Therefore, before considering the fact whether the concerned workman is entitled to get any relief or not, it is to be looked into whether punishment awarded to him was justified or not.

It transpires from the record that the management issued charge-sheet to the concerned workman after his remaining himself absent from duty unauthorisedly for more then six and half months from 26-7-94. His previous conduct relating to his attendance for duty also was very bad. During hearing he has failed to assign any cogent ground which compelled him to remain himself absent from duty. He also has failed to explain what circumstances prevented him to give any intimation to the management for remaining himself absent from duty. If the conduct of the concerned workman is taken into consideration it will expose clearly that he took the matter of performing his duty very casually and did not at all bother to perform his duty. It is to be borne into mind that for the interest of proper growth in the Industry there is very serious role of the workers. It is seen that the concerned workman considered his service as of his Zamindar and for which he behaved in that matter. There is reason to believe that an indisciplined workman like that of the concerned workman is a burden to the Industry and for which I hold that the management did not commit any illegality or took any arbitrary decision in dismissing him from his service. I have failed to find out an iota of evidence relying on which there is scope to say that the punishment awarded to the concerned workman was unjustified and for which he is not entitled to get any relief.

8. In the result, the following award is rendered—

The action of the management of Angarpathra Colliery of M/S. B.C.C. Ltd. in dismissing Sri Birsa Munda, Miner/Loader from 13-4-1996 is justified and accordingly the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 28 मई, 2004

का.आ. 1460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय जोधपुर के पंचाट (संदर्भ संख्या 31/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2004 को प्राप्त हुआ था।

[सं. एल-12011/152/2001-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th May, 2004

S.O. 1460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jodhpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 21-5-2004.

[No. L-12011/152/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

अनुबन्ध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय जोधपुर

पीठासीन अधिकारी : श्रीमती निशा गुप्ता, आर. एच. जे. एस.

औ. वि. (केन्द्रीय) संख्या : 31/2001

श्री राजेन्द्र भण्डारी, द्वारा ललित शर्मा, प्रान्तीय मंत्री, राजस्थान स्टेट बैंक वर्कस ऑरगेनाईजेशन द्वारा स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर, सुराणा मार्केट शाखा, पाली मारवाड़।

.... प्रार्थी

बनाम

क्षेत्रीय प्रबन्धक

यूको, बैंक, क्षेत्रीय कार्यालय, जी-79 शास्त्रीनगर, जोधपुर।

.... अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री ललित शर्मा उप.

(2) प्रतिनिधि श्री जे. के. साहसमल उप.

अधिनिर्णय

दिनांक 5-5-2004

श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल.12011/152/2001 दिनांक 30-10-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायलाय को प्रेपित किया है।:—

"Whether the action of the Management of Regional Manager, UCO Bank, Regional Office, Jodhpur to impose the Punishment of reduction in the scale of pay one stage upon Shri Rajendra Bhandari, Clerk-cum-Cashier, UCO Bank Boranada Branch, Dist, Jodhpur for one year through punishment Order dated 30-12-1999 and 21-08-2000 is legal and justified? If not, what relief the concerned workman is entitled from the management?"

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया था प्रार्थी राजेन्द्र भण्डारी की नियुक्ति यूको बैंक की बोरानाडा शाखा जिला जोधपुर में लिपिक के पद पर होने से कार्यरत है तथा श्रमिक संघ के सक्रिय सदस्य एवं पद्धिकारी है। अप्रार्थी ने अपने पत्र दिनांक 16-8-97 से प्रार्थी के विरुद्ध कुछ आरोप लगाये थे जिन्हें प्रार्थी द्वारा अस्वीकार किये जाने पर प्रार्थी के विरुद्ध जॉच अधिकारी नियुक्त कर जांच की गई जांच अधिकारी ने 28-9-99 को अपना जाँच प्रतिवेदन प्रस्तुत किया जिसके संबंध में प्रार्थी ने 29-11-99 को अपना प्रतिवेदन प्रस्तुत किया जिसपर कोई विचार किये बिना ही दिनांक 7-12-99 को एक कारण बताओ नोटिस जारी किया और प्रार्थी को व्यक्तिगत सुनवाई का अवसर देकर 30-12-99 को दण्डादेश पारित कर दिया। प्रार्थी को दिया गया दण्डादेश पूर्णतया अनुचित एवं अवैध है क्योंकि दण्डादेश पूर्वाग्रह से ग्रसित होकर ट्रेड यूनियन गतिविधियों के कारण विक्टीमाईज किये जाने के कारण प्रार्थी के विरुद्ध आरोप लगाये गये, जिस तथाकथित घटना को लेकर आरोप लगाये गये वह घटना बैंक परिसर के बाहर होना बताया गया है, अप्रार्थी क्षेत्रीय प्रबन्धक के पास अतिरिक्त क्षेत्रीय अधिकारिता स्थायी आदेशों के अन्तर्गत प्राप्त नहीं है जिसके द्वारा वह प्रार्थी को आरोप-पत्र में वर्णित तथाकथित दुराचरण की सजा दे सके, जॉच अधिकारी ने जो जॉच प्रतिवेदन प्रस्तुत किया है वह केवल अन्दाजों पर आधारित है, जाँच अधिकारी ने प्रार्थी की अभिरक्षा पर कतई विचार नहीं किया, जॉच अधिकारी की फाईडिंग्स पूरी तरह परवर्स है, जाँच के दौरान बैंक की ओर से कोई निष्पक्ष साक्ष्य प्रस्तुत नहीं की गई, प्रेमसिंह राठौड़ जो कि एकमात्र निष्पक्ष गवाह थे, को गवाही में प्रस्तुत नहीं किया गया, जाँच के दौरान बैंक की ओर से जो गवाह पेश कियो गये हैं वे पूरी तरह विरोधाभाषी है, प्राथमिक जाँच के दौरान प्रेमसिंह राठौड़ के जो बयान हुए उसको देखने से स्पष्ट है कि 22-5-97 को श्रीम शर्मा के उपर जूता फेंकने की कोई घटना नहीं हुई और यह घटना केवल प्रार्थी को फंसाने के उद्देश्य से जोड़ी गई, किसी भी व्यक्ति ने जो बैंक का ग्राहक या सामान्य नागरिक हो, ने यह बयान नहीं दिया कि प्रार्थी के कारण बैंक के हितों को या बैंक की प्रतिष्ठा को हानि पहुँची हो लेकिन फिर भी जाँच अधिकारी ने बिना किसी साक्ष्य के आरोपों को सिद्ध मान लिया है जो पूर्णतया अनुचित एवं अवैध है, अप्रार्थी ने 30-12-99 को दण्डादेश पारित करते समय दण्ड कितनी अवधि के लिए दिया गया है, इसको कोई उल्लेख नहीं किया है। अप्रार्थी ने अपने आदेश दिनांक 21-8-2000 में यह उल्लेख किया कि जिस किसी भी कर्मचारी को दण्ड प्रक्रिया के तहत वेतन श्रृंखला में से एक श्रृंखला को कम करने के आदेश दिये जाते हैं तो उस कर्मचारी पर कम से कम पिछली वेतन वृद्धि का 12 गुणा क्षति का प्रभाव लागू हो। अप्रार्थी ने यह गैर कानूनी स्पष्टीकरण केवल प्रार्थी को प्रताड़ित करने के उद्देश्य से पारित किया है। अन्त में निवेदन किया कि अप्रार्थी के आदेश दिनांक 30-12-97 व

21-8-2000 को अनुचित एंवं अवैध घोषित करते हुए निरस्त किया जाकर फलस्वरूप प्रार्थी की घटाई गई वेतन वृद्धि मय अन्य लाभ एवं मय एरियर ब्याज सहित प्रार्थी को दिलाये जाने का अधिनिर्णय पारित किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी द्वारा 20-4-97 को यूको बैंक सरदारपुरा शाखा के पूर्व प्रबन्धक श्री एस. सी. शर्मा के साथ गाली ग्लोच एवं अभद्र व्यवहार किया एवं श्री शर्मा के उपर जूता फैंका गया, जिसके संबंध में उसे 16-8-97 को एक आरोप-पत्र दिया गया। जांच अधिकारी ने प्रार्थी को समस्त आवश्यक दस्तावेजात उपलब्ध करवाने तथा बैंक प्रबन्धक की ओर से प्रस्तुत समस्त गवाहान से प्रतिपरीक्षा करने का समुचित अवसर प्रदान करने तथा प्रार्थी को अपनी प्रतिरक्षा में प्रलेखय एवं मौखिक साक्ष्य प्रस्तुत करने का पूर्ण अवसर प्रदान करने के पश्चात् अपना जॉच प्रतिवेदन प्रस्तुत किया जिसके लिये प्रार्थी को दुराचरण का दोषी पाया गया, जांच अधिकारी ने प्राकृतिक न्याय के सिद्धांतों का पालन करते हुए प्रार्थी को पर्याप्त अवसर देने के पश्चात् जांच की कार्यवाही सम्पन्न की व जांच प्रतिवेदन अनुशासनिक अधिकारी को प्रेषित किया जिसके संबंध में प्रार्थी ने 29-1-99 को अपना प्रतिवेदन प्रस्तुत किया व व्यक्तिगत सुनवाई का अवसर चाहा, अप्रार्थी द्वारा प्रार्थी के प्रतिवेदन पर समुचित रूप से विचार करने के पश्चात् कारण बताओ नोटिस जारी करते हुए 30-12-99 को दण्डादेश पारित किया जो पूर्णतया वैध व उचित है। अनुशानिक अधिकारी द्वारा जांच अधिकारी के निष्कर्ष से सहमत होतें हुए दोनों आरोप प्रमाणित माने व लोवर डाउन ऑफ पे बाई वन स्टेज का दण्डादेश पारित किया, अप्रार्थी को प्रार्थी द्वारा किये गये दूराचरण के संबंध में अनुशासनिक कार्यवाही करने का पूर्ण अधिकार प्राप्त है। जांच अधिकारी का प्रतिवेदन प्रलेखीय एवं मौखिक साक्ष्य पर आधारित निष्कर्ष है न कि अन्दाजों पर आधारित है। प्रेमसिंह राठौड़ को साक्ष्य में उपस्थित होने के संबंध में बार-बार निवेदन करने के उपरान्त भी वह उपस्थित नहीं हुआ, बैंक प्रबन्धक की ओर से जांच में अन्य प्रस्तुत गवाह से प्रार्थी के विरुद्ध लगाये गये आरोप पूर्णतया प्रमाणित है, सभी गवाहान के बयानात के अवलोकन से यह स्पष्ट है कि प्रार्थी के विरुद्ध लगाये गये आरोप पूर्णतः प्रमाणित है और प्रार्थी के कृत्य से न केवल बैंक की प्रतिष्ठा को हानि पहुंची है वरन् बैंक अधिकारी श्री एस. सी. शर्मा का व्यक्तिगत् अपमान भी हुआ है। अनुशासनिक अधिकारी द्वारा समस्त तथ्यों, परिस्थितियों, साक्ष्य एंव प्रार्थी द्वारा उठाये गये तर्को पर विचार करने के उपरान्त विधिवत् रूप में दण्डादेश पारित किया गया है जिसमें हस्तक्षेप किये जाने का कोई आधार नहीं है, दण्डादेश पूर्णतया उचित व वैध है। प्रार्थी का यह कथन गलत है कि अप्रार्थी ने केवल प्रार्थी को प्रताड़ित करने के उद्देश्य से गैर कानूनी रूप से 21-8-2000 का स्पष्टीकरण जारी किया हो, 21-8-2000 के जरिये कोई आदेश पारित नहीं किया वरन् यूको बैंक शाखा वोरानाडा के पत्र दिनांक 7-8-2000 के प्रत्युत्तर के रूप में वेतन में से एक श्रृंखला कम करने की अवधि 12 माह स्पष्ट की गई। अतिरिक्त कथन में कहा गया कि प्रार्थी के उक्त कृत्य से न केवल श्री एस. सी. शर्मा का अपमान हुआ बल्कि जनसाधारण में बैंक की छवि भी धूमिल हुई, सम्पूर्ण कार्यवाही के दौरान प्राकृतिक न्याय के सिद्धांतों की पूर्ण रूप से पालना की गई है, प्रार्थी द्वारा एस. सी. शर्मा के साथ अभद्र व्यवहार, मारपीट की गई थी जिस संबंध में श्री शर्मा द्वारा प्रार्थी के विरुद्ध पुलिस में प्रथम सूचना रिपोर्ट दर्ज करवाई थी जिसका फौजदारी प्रकरण आज भी लम्बित है, इसके अलावा विभागीय जांच कार्यवाही भी की गई और जांच अधिकारी द्वारा आरोपों को प्रमाणित मानते हुए 26-11-97 को तत्कालीन अनुशासनिक अधिकारी द्वारा प्रार्थी के विरुद्ध दण्डादेश पारित किया, अतः पारित दण्डादेश पूर्णतः उचित व वैध है। अन्त में निवेदन किया कि प्रार्थी का मांग-पत्र सव्यय खारिज किया जावे।

प्रार्थी ने मांग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधी द्वारा जिरह की गई तथा अप्रार्थी की ओर से किशन सिंह शेखावत् का शपथ-पत्र प्रस्तुत किया जिस पर प्रार्थी प्रतिनिधी द्वारा जिरह की गई। प्रार्थी की ओर से विभिन्न दस्तावेजात की फोटो स्टेट प्रतियां पेश की गई।

दोनों पक्षों के प्रतिनिधीगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया कि उसके विरुद्ध जो आरोप लगाया गया वह पूर्वाग्रह से ग्रसित है, घटना बैंक परिसर से बाहर थी, इस प्रकार विपक्षी के क्षेत्राधिकार में नहीं थी, प्रार्थी की प्रतिरक्षा पर कोई विचार नहीं किया गया, निष्पक्ष किसी गवाह ने घटना की पुष्टि नहीं की है, बैंक प्रतिष्ठा को कोई हानि नहीं हुई है। इस प्रकार दण्डादेश अनुचित और अवैध है जिसे निरस्त किया जाए।

विपक्षी द्वारा कहा गया कि जांच उचित प्रकार से की गई, सुनवाई का अवसर देने के पश्चात् दण्डादेश पारित किया गया।

स्वयं प्रार्थी ने अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि 19-4-97 को उसने मुख्यालय छोड़ने की अनुमति मांगी थी और घटना 20-4-97 की है इसने यह भी स्वीकार किया है कि उसने गवाह से जिरह की थी, अपने गवाह पेश किये थे, अनुशासनात्मक अधिकारी ने उसे सुना था, पक्ष पेश करने का अवसर दिया था, कारण बताओ नोटिस दिया गया था, उसका जवाब दिया था, विस्तृत सुनवाई का अवसर अनुशासनात्मक अधिकारी ने दिया था, इस प्रकार यह स्थिति स्वयं प्रार्थी ने स्वीकार की है कि उसे सुनवाई और बचाव का पर्याप्त व समुचित अवसर दिया गया था और इससे स्पष्ट है कि नैसर्गिक न्याय के सिद्धांतों की पालना करते हुए जांच की गई थी।

विपक्षी की ओर से किशन सिंह शेखावत् पेश हुए है जिन्होंने भी जवाब का समर्थन किया है।

प्रार्थी की सर्वप्रथम आपत्ति यह रही है कि घटना रेलवे स्टेशन की है, इस प्रकार बैंक परिसर से बाहर है और इस कारण इस सम्बन्ध में कोई आरोप-पत्र नहीं दिया जा सकता व अपने समर्थन में एल.आई.सी. 1983 पेज 1909 मैसर्स ग्लेक्सो लेबोट्रीज बनाम श्रम न्यायालय मेरठ का विनिश्चय पेश किया परन्तु उक्त विनिश्चिय में स्थाई आदेशों में इसी स्थिति का उल्लेख था कि ऐसे ही दुराचरण दण्डनीय होंगे जो संस्थान के परिसर में किये जाते है या

उसकी समीपता में किये जाते है। यद्यपि यहां पर प्रार्थी के विरुद्ध क्लॉज 19-5 (जे.एल.) का आरोप है जिसमें ऐसे किसी शब्दों का उल्लेख नहीं है कि संस्थान के परिसर अथवा समीपता में दुराचरण होने पर भी दण्डनीय होगा ऐसी स्थिति में उक्त विनिश्चिय प्रार्थी को कोई लाभ नहीं पहुंचाता।

इसी क्रम में प्रार्थी की ओर से डी. बी. सिविल स्पेशल अपील नम्बर 391/84 मोहनसिंह बनाम यूको बैंक का विनिश्चय पेश किया जिसमें आरोप क्लॉज 19-5 (सी) का था उसमें भी असभ्य व्यवहार बैंक परिसर में ही करने पर ही दुराचरण होगा, यह स्थिति स्पष्ट है परन्तु जहां तक क्लॉज जे और एल. का सम्बन्ध है उसमें ऐसी किसी सीमा का उल्लेख नहीं है बल्कि बैंक के हितों के विपरित किसी कार्य को दुराचरण माना गया है और ऐसे कृत्य को उकसाना भी दुराचरण है ऐसी स्थिति में उक्त दोनों विनिश्चय प्रार्थी को कोई लाभ नहीं पहुंचाते।

प्रार्थी द्वारा यह कहा गया है कि उसके विरुद्ध आरोप पूर्वाग्रह से ग्रसित था परन्तु इस आशय की कोई स्पष्ट साक्ष्य न्यायालय के समक्ष पेश नहीं की गई है। केवल मात्र आरोप-पत्र दे देने से यह नहीं माना जा सकता कि बैंक की ओर से किसी पूर्वाग्रह से ग्रसित होकर कोई कार्य किया गया। जांच अधिकारी उक्त रखता हो ऐसा आरोप साक्ष्य नहीं है।

सम्पूर्ण जांच पत्रावली न्यायालय के समक्ष पेश हुई है जिससे स्पष्ट है कि प्रार्थी को आरोप-पत्र दिया गया, जांच अधिकारी द्वारा जांच की गई और प्रार्थी को बचाव और सुनवाई का अवसर दिये जाने के पश्चात् दण्डादेश पारित किया गया।

यह आपत्ति भी की गई कि प्रार्थी विरुद्ध आरोप साबित नहीं थे परन्तु यह तर्क मान्य नहीं है। जांच अधिकारी ने संबंधित साक्षी के बयान लिये है और उसके पश्चात् जांच रिपोर्ट पेश की है। यह कहा गया है कि प्रेमसिंह स्वतंत्र साक्षी पेश नहीं हुआ है परन्तु एक साक्षी के पेश नहीं होने मात्र से अन्य साक्षियों के कथनों पर अविश्वास नहीं किया जा सकता और केवल इस आधार पर भी कि साक्षी परिवादी के रिश्तेदार है उनके कथन पर अविश्वास नहीं किया जा सकता, साथ ही विधि की यह स्थिति भी स्पष्ट है कि फौजदारी मामलों में सबूत की मात्रा विभागीय जांच कार्यवाही से बिल्कुल भिन्न होती है और न्यायालय को अवीलीय अधिकारी के रूप में काम नहीं करना है। इस सम्बन्ध में विपक्षी की ओर से ए. आई. आर. 1999 सुप्रीम कोर्ट पेज 625 अप्रल एक्सपोर्ट प्रमोशन कोंसिल बनाम ए. के. चौपड़ा, ए. आई. आर. 1983 सुप्रीम कोर्ट पेज 1102 जीवनमल कोचर बनाम भारत संघ ए. आई. आर. 1963 सुप्रिम कोर्ट पेज 1723 आन्ध्र प्रदेश राज्य बनाम एस. श्री रामाराव, व डब्ल्यू. एल. सी. राजस्थान यू.सी. 2000 पेज 450 आर. एस. आर. टी. सी. बनाम रमेशचन्द्र के विनिश्चय पेश किये जिसमें स्पष्ट तौर पर यह कहा गया है कि सामान्यतः न्यायालय को जांच अधिकारी द्वारा तथ्यों और दण्ड के सम्बन्ध में दिये गये निष्कर्ष में हस्तक्षेप नहीं करना चाहिए, यदि वह निष्कर्ष युक्तियुक्त साक्ष्य से समर्थित हो या प्रक्रिया की कोई स्पष्ट गलती नहीं हो। प्रस्तुत प्रकरण में प्रक्रिया की कोई गलती रही हो ऐसी स्थिति नहीं है तथा जांच अधिकारी द्वारा साक्षियों के बयान स्वतंत्र तौर पर लेकर अपना निष्कर्ष निकाला है, प्रार्थी की ओर से गवाहों के बयानों में कुछ विरोधाभास का उल्लेख किया है परन्तु यह विरोधाभास ऐसा नहीं है जिससे कि पूरी घटना ही झुटलाई जा सकती हो। सभी गवाहान का यह स्पष्ट कथन है कि प्रार्थी द्वारा जूता फैंका गया था और जांच कार्यवाही के दौरान भी प्रार्थी की पहिचान की गई है। प्रेमसिंह के प्रारंभिक जांच में जो बयान हुए हैं उसमें भी घटना की पुष्टि हुई है। इस प्रकार बनावटी घटना बनाई गई हो ऐसी कोई स्थिति प्रतीत नहीं होती जैसी कि प्रार्थी का कथन रहा है तथा घटना की इस बात से भी पुष्टि होती है कि प्रार्थी ने 19-4-97 को मुख्यालय छोड़ने की अनुमति चाही थी उसका यह कथन था कि बालोतरा में मीटिंग में जाना था परन्तु बालोतरा में कोई मीटिंग हुई हो या प्रार्थी ने उसमें भाग लिया हो ऐसी कोई स्थित पेश नहीं हुई है। 20-4-97 को रविवार के शाम को यह घटना हुई घटना के समय व स्थान के सम्बन्ध में भी प्रार्थी का यह कथन है कि विरोधाभास है परन्तु यह विरोधाभास ऐसा नहीं है जिससे कि पूरी घटना ही गलत प्रतीत हो। समय में कुछ अन्तर हो सकता है और सभी का यह ऐसा कथन है कि घटना रलवे स्टेशन की है, कौन सा प्लेटफार्म था, यह विशेष महत्व का विषय नहीं रह जाता।

प्रार्थी की यह आपत्ति है कि दण्डादेश कितनी अवधि का होगा इसमें संशोधन किया गया है परन्तु यह तर्क मान्य नहीं है। श्री शेखावत् का यह स्पष्ट कथन रहा है कि दण्डादेश 12 माह तक प्रभावी रहेगा ऐसा उल्लेख नहीं है परन्तु वेतन वृद्धि वार्षिक होती है अतः स्वाभावतः इसकी अवधि भी एक वर्ष होगी और इसी स्थिति को बाद के आदेश में स्पष्ट किया गया है। आदेश से दण्डादेश में कोई परिवर्तन किया गया हो ऐसी स्थिति नहीं है बल्कि केवल स्थिति को स्पष्ट किया गया है जिसमें कोई त्रुटी नहीं है।

इस प्रकार प्रार्थी के विरुद्ध समुचित जांच के पश्चात् उसे सुनवाई और बचाव का अवसर देने के पश्चात् दण्डादेश पारित किया गया है जिसमें कोई त्रुटी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि अप्रार्थी नियोजक रिजनल मैनेजर यूको बैंक रीजनल ऑफिस, जोधपुर द्वारा प्रार्थी राजेन्द्र भण्डारी के विरुद्ध समुचित जांच के पश्चात् उसे सुनवाई और बचाव का अवसर देने के पश्चात् जो दण्डादेश पारित किया है वह पूर्णतया उचित एवं वैध है। प्रार्थी अप्रार्थी नियोजक से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

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यह अधिनिर्णय आज दिनांक 05-3-2004 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 28 मई, 2004

का.आ. 1461—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे के पंचाट (संदर्भ संख्या 24/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-5-2004 को प्राप्त हुआ था।

[सं. एल-12011/274/2000-आई.आर. (बी- II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th May, 2004

S.O. 1461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 24/2001 of the Industrial Tribunal Pune as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 27-5-2004.

[No. L-12011/274/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI J. L. DESHPANDE : INDUSTRIAL TRIBUNAL : PUNE

Reference (II) No. 24 of 2001.

Between :

Management of the
Bank of Maharashtra,
Pune (Maharashtra), 411005 ...First Party.

AND

Their Workmen ... Second Party.

In the matter of : Adjudication of the dispute "Whether the demand of the Bank of Maharashtra Karamchari Sangh, that the part time Sweepers as per the list attached should be paid wages as per the annexure after assessing their weekly hours of work according to the B. S. (industrywise), dated 10-4-1989, is legal and justified? If yes, then what relief the concerned workmen are entitled to?"

Appearances : Shri M. G. Rathakantiwar, Union Representative for the Second Party workmen.

Shrimati V. D. Patil, Manager, PRR for the first party Bank.

AWARD **11th March, 2004**

(Dictated in open Court)

1. This is a Reference under Section 10(1)(d) of Sub-section 2(A) of the Industrial Disputes Act, 1947, for adjudication of the demand for the assessment of the weekly hours of the part time sweepers, who are the members of the second party. Union the first party to the Reference is the Management of Bank of Maharashtra, through its General Manager, (Personnel), Central Office and the Second Party to the Reference is the General Secretary of Bank of Maharashtra Karamchari Sangh, which is espousing the case of the part time sweepers engaged by the first party at its various branches, within Pune Region.

2. The second party is the registered Trade Union of the employees working in the office and the branch of the first party Bank of Maharashtra. Some of the employees, in the list, attached to the Reference Order are the members of the second Party Union. The service conditions of the Bank employees engaged by the first party Bank are governed by the provisions of Shastri Award, Desai Award and the settlements between the Union and the Management, entered into, from time to time, which are referred to as the bi-partite settlements. As per Desai Award, employees are classified and the part time employee is one of the class of the employees. In the Pune Rural Region, various part time sub-staffs (PTS) are engaged by the Bank at its different Branches. The sub-staff engaged by the branches, supposed to perform the following duties :—

(1) Clearing the premises and its surroundings.

(2) Keep clean all the floorings.

(3) Filling water for drinking purpose.

(4) Cleaning of utensiles.

(5) Cleaning of the furniture, fans, windows, and cup-boards, and

(6) Bringing of keys of the premises.

3. As per the bi-partite settlement, dated, 10-4-1989, part time sub-staff, (PTS), is entitled to the wages at the following rates :—

More than 3 hours	—	Minimum 175/- p.m.
6 to 13 hours	—	1/3 of the scale wages.
13 to 19 hours	—	1/2 of the scale wages.
19 to 29 hours	—	3/4 of the scale wages.
Beyond 29 hours	—	Full scale of wages.

4. In the Pune Region, there were 22 PTS of 1/2 scale wages and 44 PTS of 1/3 scale wages. According to the Union, thus, the scale wages were not properly

standardised. The time required to perform the allotted duties in much more than what is presumed and paid. Inadequate wages to the PTS is a general issue of serious concern and many agitations were held to draw attention of the Management. Ultimately, union approached the Labour Department of the Central Government, with its demand. On failure of conciliation proceedings, Reference came to be made to this Tribunal for adjudication of the dispute over the demand of the PTS.

5. The second party filed its statement of claim and reiterated in the statement of claim that the second party reiterated the above facts to justify its demands. So also referred to cases of the four PTS engaged at different Branches, within Pune Region, as sample cases to high-light their demands that the weekly hours of the sweepers should be assessed, properly and they need to be standardised.

6. The respondent Management, in its written-statement at Exh. C-4 admitted the rates of the wages to be paid to PTS as per the bi-partite settlement, dated, 10-4-1989. However, it denied the allegations in the statement of claim and particularly, the averments as regards the individual cases of the four PTS. According to the Management, one of the PTS S. N. Khomane is not a member of the Union.

The management also relied upon bi-partite settlements with the BPS, dated, 22nd September, 1999, under which, the part time Sub-staff (PTS) engaged at the different branches is to be absorbed as permanent in the phases and in certain proportion. According to the first party Management, the PTS are paid properly as per the BPS and it is not necessary to make revision of their working hours or standardisation of their working hours. Thus, the Management denied the demand made by the second party Union.

7. The following demand is referred to this Tribunal for adjudication. The demand with my findings thereon, is as follows:—

Demand:

"Whether the demand of Bank of Maharashtra Karmachari Sangh, that the part time Sweepers as per the list attached should be paid wages, as per annexure after assessing their weekly hours of work according to the B. S. (industrywise) dated, 10-4-1989, is legal and justified?. If yes, what relief the concerned workmen are entitled to?"

Findings:—

Partly : as per the award.

REASONS :

8. At the various branches of the first party Bank, the PTS are engaged for the propose of cleaning and sweeping the premises and certain such other work. There is no dispute about the fact that they are paid wages at the rates, mentioned above. It is the grievance of the Union that the scale wages paid to some of the PTS, were not properly standardised and the time required to perform the allotted duties is much more than what is considered by the Bank for making the payment of the wages. In the statement of claim, the second party Union has referred to the cases of the four PTS. From the statement of claim, it is seen that there are about 66 PTS engaged by the Bank, at its different branches and offices. All of them are not before the Tribunal. The second party Union is not the recognized Union of the employees of the first party Bank. For the purpose of the present Reference, it is espousing the case of 22 PTS and the list of those 22 PTS is attached to the order of the reference. In the statement of claim itself, it is averred that the scale wages paid to some of the PTS were not properly standardised. The fact that out of the 66 PTS, the Union has made demand for 22 PTS and the statement of claim that some of the PTS were not properly paid their wages and working hours were not properly standardised, would go to show that it is not the case of the Union that there is infirmity as regards the fixation of the hours or standardisation of the hours and the PTS engaged by the Bank within Pune Region. The grievance of the Union is restricted to some of the PTS. According to the Union they are those PTS whose names are mentioned in the list annexed to the reference order.

9. Amongs them, in the statement of claim as well as in the evidence, reference is made to the case of S.M. Khomane engaged at Varawand Branch. The first party Bank has emphatically denied his claim and has taken the stand that Mr. Khomane is not a member of the Union. In the first place, the name of Shri S.M. Khomane, does not appear in the list of the PTS attached to the order of the reference. Thus, he is not the PTS, whose case is espoused by the Union through the present Reference. Therefore, consideration of his case would be beyond the order of the Reference since the name of Shri S.M. Khomane, does not appear in the list of the workman whose names are in the list said appended to the Reference Order. In the second place, the union has not placed any material on the record to show that he is a member of the Union. The Secretary of the Union, during the course of his cross-examination, made a statement that he would lead documentary evidence to show that Mr. Khomane is a member of the Union, but no such evidence is produced. Therefore, I need not discuss the material adduced by the Union on the record, as regards the PTS Mr. S.M. Khomane.

10. Next PTS referred to in the statement of claim and in the affidavit is Mr. M.M. Ghaitale, at Ghotawade Branch. In the evidence of Regional Secretary of the Union, by name Shri Shantaram Narayan Haigunde, (UW-1), it is mentioned that Shri Ghaitale is required to perform duties for 21 hours per week whereas it is shown that he is

required to work for 13 hours, per week. The premises, which he is supposed to clean and sweep are 1265 sq. ft. besides the stair-case.

11. The first party has examined Shri Makarand Krishna Deval, (CW-2) who is the Branch Manager at Ghotawade Branch. He deposed that Ghaitale was engaged as the PTS, on the consolidated salary of Rs. 175/- per month effect from 16th April, 1990.

A copy of the appointment order of Shri Ghaitale is produced at Exh. C-31, at Exh. C-33, there is statement-cum-information sent by the Branch Manager, Ghotawade Branch to the Regional Office. It is dated 15-11-1994. Under the different columns mentioned in this form, the Branch Manager furnished information, as regard the work performed by PTS Mr. Ghaitale and in Column No. 8 of the said statement, it was mentioned that the PTS was required to work for 13 hours per week. At Exh. U-17, there is the xerox copy of the representation-cum-letter, sent by Mr. Ghaitale addressed to the Branch Manager, by which, Mr. Ghaitale represented that he requires about three hours for performing his work. Besides three hours, daily, he has to spend 2½ hours per week for sweeping work. This shows that he is required to work for about 18 to 19 hours per week. However, while giving the information Exh. C-34, to the Regional Office, the Branch Manager at Ghotawade, informed that the PTS was required to spend one hour per week. During the course of the cross-examination, Branch Manager admitted that the Branch had received the letter from the regional office which is at Exh. C-34. It was in respect of increase in the salary of PTS Ghaitale. There is statements, in this letter, that the Branch had shifted to new Branch and Ghaitale be paid 1/3rd salary from the date of shifting of the Branch to the new premises. In the same letter, it was mentioned that his total working should be managed within 13 hours, in a week. During the course of the cross-examination, Branch Manager, Mr. Dewal admitted to have received the letter Exh. C-20 and the instructions received from the R.M. Office for working of the PTS should be arranged within 13 hours in a week. It be noted that formerly this Branch was working in a small Branch and at that time PTS Ghaitale was paid the consolidated wages at the rate of Rs. 175/- per month. However, subsequent to the shifting of the Branch to the new premises. wages were increased to 1/3rd of the scale.

12. In this regard, it be noted that as per the table given above, the PTS are entitled to for 6 to 10 working hours, 1/3rd of the scale wages and for 13 to 19 hours 1/2 of the scale wages. Thus, 13 is the demarketing line. The instructions in the letter referred to above (Exh. C-32) reveal that the Regional Office had given instructions to the Branch to see that the working hours are managed within 15 hours per week. Obviously, as per these instructions, the information in the prescribed form Exh. C-33 was furnished to show that the P.T.S. was required to work for 13 hours per week. Thus, the second party Bank should have paid this PTS ½ of the scale, per month, instead of Rs. 175/- as was paid to him.

13. It is on the record that due to the shifting of the Branch, to the new premises - Shri Ghaitale's wages were increased to 1/3rd of his scale with effect from 30-9-1993. A copy of that order is at Exh. C-32. It is then admitted position that the above referred table of the scale of the wages came into effect as per the provisions contained in the bi-partite settlement dated, 10-4-1989. As the working hours of this/PTS were within the range of 13 to 19 hours, he should have been paid ½ of the scale wages from the shifting of the Branch to the new premises i.e. from 30-9-1993 as the work was increased. However, the first party, paid him 1/3rd of the scale wages. It has also come on record through the affidavit evidence, of Branch Manager Mr. Dewale (CW-2) that Mr. PTS Ghaitale has been given ½ scale wages with effect from 31-10-1999. As mentioned above, he should have been paid 1/2 scale wages from 30-9-1993 i.e. the date, on which his wages were fixed at 1/3rd of the scale wages. Thus, the demand of the payment of the scale wages at the rate of 1/2 of the scale, in respect of Mr. Ghaitale (PTS) is justifiable.

14. The first party Bank has engaged Mr. A. S. Shinde at Baramati Branch. According to the Union, PTS, Mr. Shinde was working on ½ scales wages and he gave representation on 14-2-2000 for enhancement of the wages. During the course of the evidence, witness examined by the Union referred to the representation submitted by Mr. Shinde, PTS, but admitted during the course of the cross-examination that such representation is not on the record. It is in the affidavit evidence of the Secretary of the Union that Mr. Shinde is required to work for more than 22 hours per week. It is on the record that former Baramati Branch where Mr. A.S. Shinde was working, was housed in the premises of Kale Colony and then it came to be shifted to the new premises. It is in the affidavit evidence that the premises of the new Branch are larger by five times than the premises of the old Branch.

15. The First Party Bank has examined the Branch Manager of Baramati Branch Mr. S.A. Shinde. In his afidavit evidence Exh. CW-3, Manager, Mr. Shinde deposed that PTS Mr. Shinde was working at Baramati Branch, Extension Counter and the area of the extension counter was 350 sq. ft. The P.T.S. Mr. Shinde was paid the consolidated wages at the rate of Rs. 175/- per month. Witness further deposed that P.T.S. Shinde was transferred to Baramati Main Branch and his wages were increased to Rs. 1/2 scale/wages with effect from 5-9-1998. He further deposed that as per the bi-partite settlement of 1999, the wages of Shri Shinde PTS, are increased to ¾ scale wages. During the course of cross-examination Mr. Shinde admitted that PTS Mr. Shinde was working at the old premises during the period 1986 to 1998. At Exh. C-25, there is zerox copy of the statement, which is required to be furnished in the prescribed form by the Bank

Manager to the Regional Office. In this statement Exh. C-25, against the column No. 8, it is mentioned that the total working hours for a week were nine. This statement-cum-information was furnished by the Branch on 11-4-1991. Mr. Shinde was engaged as PTS in the year 1986. That year appears in the information-cum-statement Exh. C-25. Now, admittedly, by the bi-partite settlement, dated 10-4-1989, for 6 to 13 working hours, PTS was entitled to 1/3rd of the scale wages. Now, the orders on the record reveal that as per the order Exh. C-23, dated 9-9-1998, PTS Mr. Shinde was given ½ of scale wages with effect from 5-9-1998. As per the order dated, 28-9-2000, Exh. C-24, the PTS Mr. Shinde was given ¾ of the wage scale with effect from 31-10-1999. However, the fact remains that in the old premises also, Mr. Shinde was required to work for nine hours per week. This is borne out from the copy of the statement Exh. C-25. It was filled in by the Branch Manager of the Bank. Now, as per the bi-partite settlement, dated 10-4-1989, PTS is entitled to 1/3 of the scale wages for 6 to 13 hours of work. Therefore, from 10-4-1989, by shifting the Bank to the new premises on 5-9-1998, PTS Shinde should have been paid 1/3rd of his scale wages, whereas he was paid Rs. 175/- per month as consolidated salary. Therefore, the demand of the second party Union is justifiable to the extent of 1/3rd of the scale wages to the PTS Mr. Shinde, from 10-4-1989 to 5-9-1998.

16. Then, I turn to the case of PTS Shri D. N. Gaikwad, who is engaged at Walhe Branch. The witness examined by the first party Management, admitted, during the course of his cross-examination that Mr. Gaikwad is working at Walhe Branch since 17-2-1987. Initially, he was paid wages at 1/3rd scale rate. As pointed out above, 1/3rd scale is applicable for 6 to 13 hours of work, per week. At Exh. U-18, there is a copy of the application, dated 16-2-1999, bearing signature of PTS Mr. Gaikwad. In the said application, he mentioned that he was required to work for 17 hours and 30 minutes per week and he was entitled to ½ scale wages. On this application Exh. U-18, the signature of Mr. Gaikwad is in English. In his evidence, the Union witness deposed that Shri Gaikwad is required to work for more than 19 hours per week. However, application Exh. U-18, sent by Shri Gaikwad, militates against this statement and Shri Gaikwad admitted that he was required to work for 17 hours and 30 minutes.

17. It is the case of the first party Bank with regard to Shri Gaikwad that the claim of the second party Union, with regard to Gaikwad has already been satisfied. In the affidavit evidence (CW-1), Mr. Kale, who is attached to Walhe Branch, where Shri Gaikwad is working, has deposed that Shri Gaikwad was paid 1/3rd scale wages with effect from 17-2-1987 and ½ scale wages with effect from 1-8-1999, and ¾ scale wages with effect from 31-10-1999. The xerox copies of the orders, Exhs. C-28 and C-29, produced by the first party Bank, support this evidence of the Branch Manager, Mr. Kale.

18. It is not the case of the first party Bank that the site of the Branch was shifted to new place. On the contrary, Branch Manager, admitted during the course of cross-examination that they were extracting the work of 17 hours per week from the sub-staff. Now, as per the bi-partite settlement, dated 10-4-1989, PTS is entitled to ½ of the scale wages, if he is required to work for 13 to 19 hours, during the week. By this reckoning, PTS Gaikwad was entitled to ½ of the scale wages with effect from 10-4-1989 i.e. from the date of the bi-partite settlement. It is seen from the record that Shri Gaikwad was given ½ of the scale wages with effect from 1-8-1999. In fact, he was entitled to ½ of the scale-wages with effect from 10-8-1989. Therefore, the claim of the second party Union, as regards the recovery of the arrears of the wages, as per the bi-partite settlement of 1989, is justifiable. Therefore, I would direct the first party Bank to pay the arrears of wages to PTS D. N. Gaikwad at the rate of ½ of the scale wages from 10-8-1989 to 1-8-1999.

19. The demand of the second party Union is for assessment of the weekly hours of the work for the PTS. The second party has adduced evidence in respect of only four PTS and amongst them, three are members, and one is non-member. Amongst them, I find that the assessment of the working hours was not correct, in respect of only one PTS. The second party has not adduced evidence, as regards the rest of the PTS/workmen. There is no material on the record to show that the working hours of the rest of the PTS are also not properly assessed. There is also no evidence to show that they are the members of the second party Union. The allegations, in this regard, are general in nature, without any particulars. Therefore, I do not find it necessary to direct the first party Bank to undertake the exercise of re-assessment of the working hours of all the PTS whose names are mentioned in the Annexure to the Order of the Reference.

20. Apart from that, the Federation of the Union has entered into the Settlement with the First party Bank on 22nd September, 1999. Copy of the said settlement is produced at Ext. C-36. On going through the same, it is seen that on negotiations with the representatives of the majority of the Union, it was decided to enchance the scale wages of the existing PTS. As per that settlement, within the period of three years from the date of the settlement, PTS in 1/3rd, 1/2 and 3/4 scale wages would be converted into 1/2, 3/4 and full pay scale, respectively. It is further seen from the settlement that the Management of the First Party Bank agreed to absorb the PTS into the above referred scale-wages in the phased manner. The Union has admitted copy of this settlement and the representative of the second party did not make any comment about the same. In view the provisions in the settlement, I find that the first party Bank has already given the relief to these PTS by elevating

them to the upper scale. From this stand point also, I do not find it necessary to direct the first party Bank to undertake the exercise of the re-assessment of the working hours of the PTS.

21. In view of the aforesaid discussions, I hold that the demands of the second party Union for re-assessment of the hours of the work performed by the PTS is rejected and is not justified. However, the demand as regards the payment of the wages, according to the bi-partite settlement, dated, 10-4-1989, is justifiable in the manner and in respect of some of the PTS mentioned above. I, therefore, proceed to pass the following award.

AWARD

(i) The demand of the second party Union for assessing the working hours of the PTS as per the bi-partite settlement, dated, 10-4-1989, is not justifiable and hence rejected.

(ii) However, the demand of the second party Union to pay wages to the PTS, as per the bi-partite settlement, dated, 10-4-1989, is justifiable in respect of the PTS Sarvashri :—

(1) M. M. Ghaitale, (2) A. S. Shinde, and (3) D.N. Gaikwad.

(iii) The first party Bank is directed to pay the scale wages at the rate of 1/2 to PTS Shri M. M. Ghaitale with effect from 30-9-1993 to 31-10-1999, less already paid.

(iv) The first party Bank is directed to pay the wages at the rate of 1/3rd of the scale to PTS Shri A. S. shinde, for the period from 10-4-1989 to 5-9-1998, less already paid.

(v) The First party Bank is directed to pay the arrears of scale wages at the rate of 1/2 of the scale to PTS Shri D. N. Gaikwad, with effect from 10-8-1989 to 1-8-1999, less already paid.

(vi) Award is made, accordingly.

Sd/-

11th March, 2004

J. L. DESHPANDE, Industrial Tribunal

नई दिल्ली, 28 मई, 2004

का०आ० 1462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नै के पंचाट (संदर्भ संख्या 13/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं० एल-17011/16/2002-आई.आर. (बी-II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 28th May, 2004

S.O. 1462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2003) of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 24-5-2004.

[No. L-17011/16/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 21st April, 2004

PRESENT :

Shri K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 13/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of LIC of India and their workmen).

BETWEEN

The General Secretary, Insurance Corporation Employees Union, Tirunelveli. : I Party/ Claimant

AND

The Management, LIC of India, Divisional Office, Tirunelveli. : II Party /Management

Appearance :

For the Claimant : M/s. D. Geetha, M. Murugan & Veda Ramya, Advocates

For the Management : Mr. P. V. Raghavan, Advocate

AWARD

1. The Central Government Ministry of Labour vide Notification Order No. L-17011/16/2002-IR(B-II) dated 10-12-2002 has referred the following dispute to this Tribunal for adjudication :—

> "Whether the action of the management of LIC of India to impose the punishment of reduction in basic pay by three stages on Shri S. Bhaskaran, Record Clerk is legal and justified? If not, what relief is the concerned workman is entitled to?"

2. After the receipt of the reference, it was taken on file as I.D.No. 13/2003 and notices were issued to both the

parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectvely.

3. The allegations of the Petitoner Union in the Claim Statement and briefly as follows:—

The workman concerned in this industrial dispute is working as record clerk under the Respondent at Tuticorin branch from 16-6-87. while so, the Petitioner was served with charge sheet dated 28-2-97 that he has committed breach under Regulation 21 & 30(1) read with 30(2) of LIC Staff Regulation, 1960 and was imposed punishment under Regulation 39(1)(a) to (g) of the Staff Regulations. The allegations in the charge sheet are that the concerned employee remained absent from duty in an unauthorised manner without obtaining prior permission for the specified period. Secondly, the concerned workman failed to submit his explanation for official letters; thirdly, the concerned employee refused to accept the official communications on many occasions. The Petitioner submitted his explanation for the charges and thereby proved his innocence. But not accepting the explanation given by the concerned empolyee, an enquiry was ordered and conducted on 12-9-97. The enquiry so conducted was arbitrary, unreasonable and in violative of principles of natural justice and is liable to be set aside. The Enquiry Officer has refused to entertain the workman's request for defence assistance. The Enquiry Officer even before questioning the delinquent employee about the charges called the Presenting Officer to mark the documents in proof of the charges. Further, the Presenting Officer started cross examining the delinquent on the charge.The Presenting Officer did not examine any witness on behalf of the Management and failed to substantiate the charges. The explanation given by the Petitioner for the absence was not all taken into account. The medical and fitness certificates submitted by the workman was also not considered. The appeal preferred by the Petitioner to Zonal Manager was rejected. Again, the Memorial preferred by the Petitioner to the Chairman was also dismissed. Since the enquiry was conducted in an arbitrary manner, unreasonable and in violation of principles of natural justice and against the provisions of LIC of India Staff Regulations, the Petitioner prays the Tribunal to adjudicate on the preliminary issue 'whether the domestic enquiry held against the Petitioner/Workman is fair, proper and in accordance with principles of natural justice?'

4. As against this, the Respondent in its Counter Statement contended that though it is true that the concerned workman Sri S. Bhaskaran has joined the Respondent/Management as alleged by him in the claim Statement, but he was unauthorisedly absent from various dates for various periods in all totalling to 455 days and that letters dated 3-6-96, 12-6-96 and 3-10-96 were sent by registered post with acknowledgement card to the employee's residential address but returned to office undelivered. The concerned employee received the charge sheet on 4-3-97 and prayed that one more week's time for sending his reply and in his reply, he has admitted the charges and he has given reasons for his unauthorised absence which did not sound convincing and considering all the facts and circumstances of the case, the Respondent/ Management has initiated departmental enquiry. The enquiry was conducted as contemplated under the LIC of India Staff Regulations, 1960 and after going through the entire records, the Enquiry Officer has given his report finding that the concerned employee is guilty of first two charges and absolved him from the third charge. The Disciplinary Authority issued show cause notice and proposed to impose penalty as mentioned in the letter dated 3-11-97. Even though the employee was given sufficient opportunity, he failed to submit his reply to the show cause notice. Hence, the Disciplinary Authority imposed the penalty of reduction of five stages by an order dated 27-1-98. The concerned employee's appeal to the Appellate Authority was considered by the authority and he took a lenient view and modified the penalty from reduction of five stages to reduction by three stages in basic pay by an order dated 25-5-99. The concerned employee's Memorial to Chairman was duly considered by the Chairman and was rejected. The charges against the employee were that he had unauthorisedly absented himself and the registered letters sent to his residence were returned undelivered and the entire matter was of record and the relevant papers were filed as exhibits and were made available to the concerned employee. The enquiry was held in a fair and impartial manner giving him full opportunity to defend himself. The concerned employee had not denied the charge that he had been absented unauthorisedly but only sought to justify his lapses as arising out of circumstances beyond his control and that his action was neither wilful nor wanton. However, the fact remains that he had violated the provisions of Regulations 30 and 61 of LIC of India Staff Regulations, 1960. It is false to allege that his leave application with medical certificate was not considered. In fact, the concerned workman has submitted leave applications en bloc on 17-3-97 and the said applications were submitted long after the relevant dates of absence and they were submitted only as an afterthought. Further, the medical certificates submitted by him are back dated to cover the relevant periods. It is false to allege that his request for legal assistance in the enquiry was rejected. In fact, the concerned employee has given a letter dated 6-9-97 to the competent authority requesting him to permit the concerned employee to avail the services of one Sri P. Isakkimuthu to assist in the enquiry. However, on 12-9-97, he gave another letter to the competent authority that he proposed to participate in the enquiry all by himself and without the assistance of Mr. Isakkimuthu. Since the entire enquiry is based on records and in view of the admission given by the concerned employee, there was

absolutely no necessity to examine any witness in this case. Further, the examination of witness is not essential in every case. Therefore, the punishment given by the authorities is legal and justified. Hence, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the action of the Respondent/ Management to impose the punishment of reduction in basic pay by three stages on Sri S. Bhaskaran, Record Clerk is legal and justified ?"

(ii) "To what relief he is entitled?"

Point :—

6. The charges framed against the concerned employee namely Sri S. Bhaskaran are that he remained absent from his duties in an unauthorised manner without obtaining prior permission for a specified period in all totalling to 455 days and secondly, the said Mr. Bhaskaran failed to submit his explaination for the official letters dated 3-6-96, 12-6-96 and 3-10-96 sent by Registered Post with acknowledgement card, thirty Mr. S. Bhaskaran refused to accept the official communications on many occasions in which the domestic enquiry was held and after following the procedures, the Enquiry Officer has held out of the three charges framed the first two charges have been proved against the concerned employee and the Disciplinary Authority after giving show cause notice have imposed the punishment of reduction in basic pay by five stages by and order dated 27-1-98. On appeal against that order, the Appellate Authority have reduced the same by three stages in the basic pay by an order dated 25-5-99 and the concerned employee's Memorial submitted to the Chairman was also rejected. Therefore, the Petitioner Union has raised this dispute and on its failure, it was referred to this Tribunal for adjudication.

7. The learned counsel for the Petitioner in this case argued that though three charges were framed against the concerned employee, the first two charges are one and the same. In this case, even though it was charged against the concerned employee that he has absented for duty for more than 455 days unauthorisedly without any leave or without obtaining prior permission from his superiors, from the documents produced by the Respondent/Management namely Ex. M1series, it is clear that the Petitioner has applied for medical leave alongwith medical certificate, but it is not known whether sanction was accorded for the said applications or not. Further, the Respondent/ Management has also not given any evidence nor produced any document to show that the applications were rejected by the management and under such circumstances, it cannot be said that the Petitioner has unauthorisedly absented for duty for more than 455 days without any prior permission and therefore, the charges framed against the concerned employee have not been proved. But, on the other hand, the Enquiry Officer has placed the burden of proving this fact on the concerned employee and he has alleged in the enquiry report that the Petitioner has not produced any material to show that he has applied for leave or sought for any prior permission for his absence. In this case, though it was stated that the enquiry was held against the concerned workman in his presence, during the enquiry no witness was examined and no document was marked before the Petitioner and therefore, no opportunity was given to the concerned employee to cross examine the witnesses. Only questions were put to the concerned employee by way of cross examination by the Presenting Officer and also the Enquiry Officer and his statement was recorded. Therefore, merely recording the statement of the workman concemed without the Respondent/Management attempted to substantiate the charges framed against the concerned employee does not satisfy the requirements of holding of enquiry and it will not satisfy the statutory requirements and therefore, the findings of the Enquiry Officer is illegal and the punishment imposed on the basis of the findings is also illegal. The enquiry so conducted was in violation of principles of natural justice and in violation of LIC of India Staff Regulations, 1960. It is further argument that the enquiry so conducted by the Enquiry Officer is arbitrary, unreasonable and violative of principles of natural justice. Even though it is stated that the documents were marked in the enquiry proceedings, no witness was examined by the Respondent/ Management to prove the charges. The Presenting Officer though presented the documents in the enquiry did not substantiate the charges by any witness or by any other material evidence. The procedure followed by the Enquiry Officer do not amount to fair producer and therfore, it is in violation of principles of natural justice. even the High Courts and Apex Court have held that such enquiry is not an enquiry at all and she has placed reliance on 1967 II LLJ 392 MEENGIAS TEA ESTAT Vs. ITS WORKMAN and AIR 1963 SC 1914 SURENAMEL AND STAMPING WORKS LTD. Vs. WORKMAN. In the first cited case, the Supreme Court has held that *"no evidence tendered at the domestic enquiry in support of the charges made against the concerned workman and certain questions put to concerned workman by way of cross examination, the officers who were alleged to have been assaaulted by the concerned workman also sitting as Enquiry Officer and cross examining the concerned workman and the concerned workman was not given any opportunity to cross examine them at the domestic enquiry and in such circumstances, in the case before the Industrial Tribunal, the Industrial Tribunal was right in holding that domestic enquiry was not fair and hence, the Industrial Tribunal was right in asking the employer to prove the allegations against the concerned workman denovo before it. It is an elementary principle that a person who is required to*

answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence in support of the charge and to put such relevant questions by way of cross examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the barest requirement of an enquiry of this character and this requirement must be substantially fulfilled before the result of enquiry can be accepted. A departure from this requirement in effect throws burden upon the charged to repel the charge without first making it out against him." In the second cited case, the Supreme Court has held that *an enquiry cannot be said to have been properly held unless--*

(i) the employee proceedid against has been informed clearly of the charges levelled against him;

(ii) the witnesses are examined ordinarily in the presence of the employee in respect of the charges;

(iii) the employee is given a fair opportunity to cross examine the witnesses;

(iv) he has given fair opportunity to examine the witnesses including himself in his defence if he so wishes on any relevant matter;

(v) the Enquiry Officer records his findings with reasons for the same in his report.

In this case, such procedures have not been followed and therefore, the enquiry held against the concerned employee is vitiated.

8. But, as against this the learned counsel for the Respondent argued that it is false to allege that the enquiry held against the concerned employee was against the principles of natural justice. The counsel for the Petitioner has not brought to the notice of this Tribunal with regard to the provision in Regulation 30 and 61 of LIC of India (Staff) Regulations, 1960 which is as follows :—

> Regulation 30(1)—*an employee shall not absent himself from duty without having obtained permission from the competent authority nor shall be absented himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority.*
>
> — *Provided that in case of unforeseen emergency an employee may be allowed to avail of one day's casual leave without prior sanction subject to the condition that the competent authority is promptly advised of the circumstances in which prior sanction could not be obtained.*
>
> — *Provided further that in the case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the competent authority be dispensed with.*
>
> (2) *An employee who absents himself from duty without leave or overstays his leave shall not entitled to draw any pay and allowances during such absence or overstayal, and shall further be liable to such disciplinary measures as the competent authority may deem necessary.*
>
> — *Provided, however that the competent authority may treat such period of absence or overstayal, if not followed by termination of service as period spent on privilege, special or extra ordinary leave, but the employee shall not be entitiled as of right to such treatment.*
>
> — *Provided further that notwithstanding anything contained in Regulation 65 the competent authority may treat such absence or overstayal as period spent on extra ordinary leave irrespective of whether the employee has any other leave to his credit or not?"*

and Regulation 61 says "leave is earned by duty or service (b) it cannot be claimed as a matter of right.

> *When the exigencies of service of the corporation so require discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.*
>
> *Explanation :—Sanction of leave may not be presumed and leave asked for not be availed of unless it has been specifically sanctioned.*
>
> (n). *the employee shall before proceeding on leave intimate to the competent Authority his address while on leave and shall keep the authority informed of any change in the address previously furnished."*

In this case, in the charge itself, an annexure was attached to the charge memo, wherein it is clearly mentioned that the concerned employee was in an unauthorised manner and without obtaining prior permission abstained from duty for which the concerned employee has given an explanation under Ex. M3 that due to family circumstances and due to mental condition, he has not given the leave application and he has given the said leave applications after he has joined the duty and furhter he has stated that in certain circumstances, he has informed his superious orally and also informed the same by telegram and it was not want only or wilfully he has not given the leave letters then and there and only in certain circumstances, he has not submitted his application in time. Since the explanation given by the concerned workman is not satisfactory, the management has ordered an enquiry and even in that enquiry, he was informed about the charges

against him and was asked whether he admits the charges framed against him for which the concerned employee has admitted his mistake and he only pleaded mercy before the Enquiry Officer. Therefore, there is no need for the management to examine any witness and all the relevant documents were filed before the Enquiry Officer and as per the rule, as he has admitted, that he has not given leave letters before proceeding on leave and even though he has submitted certain leave applications before the competent authority, he has not stated or produced any material documents to prove his allegations and ia such circumstances, it cannot be said that the enquiry was not held in a proper manner and procedures have not been followed. Further, the learned counsel for the Respondent relied on the rulings reported in 2001 I LLJ 174, wherein the Supreme Court while dealing with Punjab and Sind Bank with regard to the terms of the Bipartite Settlement has held that "*if the Respondent has submitted his explanation regarding his unauthorised absence or placed any material before the Court that he reported for duty but was not allowed to join duty, enquiry may have been necessitated but not otherwise. . . . . The Respondent claimed that he had sent several communications regarding his illnesss or to extend his leave or to rejoin duty, but there does not appear to be any record with the bank nor the Respondent is in a position to produce proof of his having sent such letters. Therefore, we do not find any material on record to show that he had reported for duty within the period indicated in the notice in terms of Clause 16 of IV Bipartite Settlement. In such circumstances, we find the High Court had proceded on an erroneous basis of non-compliance of principles of natural justice whereas the true content of principles of natural justice should have been born in mind particularly when there was an agreement between the parties as to the manner in which the situation should be dealt with and the consequence that would ensure thereof.*" Relying on this judgement, the learned counsel for the Respondent argued that as per the Regulation 30 of the LIC of India Staff Regulations, 1960, an employee namely the concerned workman should not be absent himself from his duties without having obtained prior permission from the competent authority and further even though so many letters have been sent to the concerned employee, he has not sent any reply or explanation for absenting himself for all these days. Under such circumstances, the enquiry was conducted against the concerned employee and in that enquiry, he has admitted that he has not submitted any leave application before proceeding on leave and therefore, it cannot be said that the witnesses must be examined in this case and an opportunity to cross examine the said persons must be given to the concerned employee. Since, the concerned employee has not produced any proof to show that he has submitted leave applications before proceeding on leave, it is not necessary for the management to examine any witness. In this case, the allegation in the charge sheet borne out by records and the concerned workman has not disputed the records produced by the Respondent/Management and in such circumstances, it cannot be said that the principles of natural justice has not been followed in this case. Again, the learned counsel for the Respondent argued that though under Ex. M11 series the employee concerned has given leave applications alongwith medical certificate, all these applications were submitted before the management subsequent to framing of charges i.e. on 17-3-1997 and therefore, it cannot be said that the management has to pass an order sanctioning the leave or rejecting his leave applications. Therefore, there is no point in the contention of the learned counsel for the Petitioner that without producing any documents with regard to sanction of leave, the enquiry was held against the Petitioner. It is his further argument in this case that the concerned employee has been given to habitual absence without leave or prior permission, to the office, thus he has been absenting himself for a period totalling to 455 days and even in his reply to charge sheet and also before the enquiry proceedings, he has not denied the charge that he had not obtained prior sanction of leave but only sought to explain the reasons for his lapses. Therefore, it cannot be said that the enquiry was not held in a proper manner.

9. I find much force in the contention of the learned counsel for the Respondent because it is clearly established before this Court that the concerned employee has not produced any material evidence to substantiate his claim that he has submitted leave applications before proceeding on leave. Under such circumstances, I find the concerned employee, was a habitual absentee for more than 455 days and the enquiry held against him was in a proper manner and the enquiry is not vitiated by any illegality. Therefore, I find this point against the Petitioner Union.

Point No. 2 :—

The next point to be decided in this case is to what relief concerned employee is entitled ?

10. In view of my foregoing findings that the imposition of punishment on the concerned employee is legal and justified, I find the concerned employee Sri S. Bhaskaran is not entitled to any relief. No Costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day, the 21st April, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked :—

For the I Party/Claimant : Nil

For the II Party/Management :—

Ex. No.	Date	Description
M1	28-02-97	Xerox copy of the charge sheet issued to Petitioner
M2	17-03-97	Xerox copy of the letter from Petitioner to Respondent

M3	24-03-97	Xerox copy of the reply given by the Petitioner to Charge sheet
M4	07-04-97	Xerox copy of the letter from Enquiry Officer to Petitioner
M5	21-04-97	Xerox copy of the letter from Enquiry Officer to Petitioner
M6	26-08-97	Xerox copy of the letter from Enquiry Officer to Petitioner
M7	01-09-97	Xerox copy of the letter from Enquiry Officer to Petitioner
M8	06-09-97	Xerox copy of the letterr from Petitioner to Enquiry Officer
M9	12-09-97	Xerox copy of the letter from Petitioner to Respondent
M10	12-09-97	Xerox copy of the enquiry proceedings
M11	17-03-97	Xerox copy of the letter from Petitioner to Branch Manager Branch at Tuticorin
M12	Nil	Xerox copy of the postal acknowledgement
M13	23-09-97	Xerox copy of the enquiry report
M14	03-11-97	Xerox copy of the show cause notice issued to concerned employee
M15	28-11-97	Xerox copy of the letter from concerned employee to Respondent
M16	27-01-98	Xerox copy of the order of the Disciplinary Authority
M17	20-12-99	Xerox copy of the appeal preferred by concerned employee
M18	25-05-00	Xerox copy of the order of the Appeilate Authority
M19	20-10-00	Xerox copy of the order passed by Chairman on Memorial preferred By Petitioner.

PRESIDING OFFICER

नई दिल्ली, 28 मई, 2004

का.आ. 1463.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इन्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नैइ के पंचाट (संदर्भ संख्या 634/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल-12012/322/97-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th May, 2004

S.O. 1463—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 634/2001) of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industiral dispute between the employers in relation to the management of Central Bank of India and their workmen, received by the Central Government on 24-5-2004.

[No. L-12012/322/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 26th March, 2004

PRESENT

SHRI K. JAYARAMAN,

Presiding Officer

INDUSTRIAL DISPUTE NO 634/2001
(Tamil Nadu Principal Lapour court CGID No. 3/98)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Central Bank of India and their workmen).

BETWEEN

Sri J. Samuel Jayaraj : I Party/Petitioner

AND

The General Manager, Central Bank of India, Coonoor. : II Party /Management

Appearance

For the Petitioner : M/s. D. Hariparanthaman, V.Ajay Khose, Advocates.

For the Management : M/s. T.S. Gopalan & Co. Advocates.

AWARD

The Central Government Ministry of Labour vide Notification No. L-12012/322/97/IR(B-II) dated 26-02-1998 has earlier referred this industrial dispute to Tamil Nadu Principal Labour Court, Chennai for adjudication. The Tamil Nadu Principal Labour Court has taken the same on its file as CGID. No.3/98 and issued notices to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. After the constitution of this Central Govt. Industrial Tribunal cum Labour Court, the said industrial dispute was transferred to this Tribunal and after getting the records of this dispute, it was renumbered as I.D.634/2001 and notices were issued to both sides.

2. The schedule mentioned dispute in the order of reference is as under :—

"Whether the action of the management of Central Bank of India in refusing to give employment to Sri J. Samuel Jayaraj with effect from 28-5-1996 is justified or not? If not, to what relief the said workman is entitled?"

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The Petitioner entered into the service of the Respondent/Bank branch at Coonoor on 7-7-87 as a casual sub-staff and he continued to be there till his disengagement on 28-5-96. In 1991, the Petitioner worked in Kattabettu branch of the Respondent/Bank as a sub-staff and also as a sweeper and he has received Rs.60/- per day. During February, 1992, the Regional Office of the Respondent/ Bank has asked the service particulars of the Petitioner to regularise his service. But to his surprise, he has not been regularised, on the other hand, he has refused to give work from 28-5-1996. The termination of the Petitioner is illegal and no notice of termination was issued to him and no compensation was given to him. The Petitioner from the year 1987 has worked more than 240 days in a continuous period of one year. The Respondent has not followed the mandatory procedure under the provisions of Section 25F of the Act and therefore, the order of termination is illegal. The Petitioner was working from the year 1987 as a temporary sub-staff. While so, in the Coonoor branch of the Respondent/Bank the permanent Part-time Safai Karamachari Mrs. Lakshmi Ammal has retired and in that place the Petitioner must be given work. But, on the other hand, the Respondent has appointed one Mr. Loganathan, who was junior to the Petitioner. Therefore, his appointment is also illegal and it is against the provisions of Section 25H of Industrial Disputes Act. There was a settlement entered into between the Respondent/Bank and the All India Central Bank of India Employees Federation in which it has been agreed that if a temporary employee in the bank has worked for more than 180 days from 1-1-87 to 24-12-90, such temporary employee should be called for an interview. The procedure followed in this case is illegal. Hence, for all these reasons, the Petitioner prays that an award may be passed in his favour directing the Respondent/Bank to reinstate him in service with attendant benefits.

4. As against this, the Respondent in the Counter Statement contended that the Respondent/Bank is a nationalised bank having branches throughout the country including one branch at Coonoor, Kattabettu and one branch at Kothagiri in Nilgiris district. The employees of the bank who answer to the definition of workman under Section 2(s) of the Industrial Disputes Act, are called as award staff. The award staff consists of clerical staff and non-clerical staff comprising of subordinate staff, part-time sub-staff called as part-time safai karmachari and armed guards. When PTSK is not available, then an outsider is engaged on casual basis and he is paid wages as applicable to Part-time Safai Karmachari. The Coonoor branch of the Respondent/Bank had 5 or 6 subordinate staff and one Part-time Safai Karmachari namely Mrs. Lakshmi Ammal. The Petitioner used to be engaged as sub-staff against the leave vacancies of permanent staff and also Part-time Safai Karamchari, whenever Mrs. Lakshmi Ammal went on leave. Thus, he was engaged for 156 days during the period from 27-5-87 to 6-6-90. In the Kattabettu branch, there was one sub-staff and one Part-time Safai Karamchari. In the Kattabettu branch during period from 26-2-90 to 3-1-91 the Petitioner was engaged for 18 days as Part-time Safai Karamachari and for 62 days as sub-staff. He was lastly engaged on 9-9-95. In the year 1996 the Petitioner was also engaged for six days in the Kattabettu branch. Part-time Safai Karamchari Smt. Lakshmi Ammal, retired on 30-6-95. In Kattabettu branch when the Part-time Safai Karamchari was promoted as a sub-staff, the vacancy was notified to Employment Exchange and from among the candidates sponsored by Employment Exchange, one Mr. Loganathan was selected. He was appointed as Part-time Safai Karamchari in Kattabettu branch w.e.f. 1-10-91. When Mrs. Lakshmi Ammal retired on 30-6-95, the vacancy was filled up by transferring Mr. Loganathan from Kattabettu branch to Coonoor branch. The Respondent/Bank reliably understand that the Petitioner had taken up employment in Govt. Tea Factory at Kattabettu. The Respondent never averse to engage the Petitioner as Casual Labour against leave vacancies of sub-staff or Part-time Safai Karamchari in Coonoor branch. Therefore, the question of refusing to engage the Petitioner against leave vacancy of sub-staff or Part-time Safai Karmachari did not arise. The causal engagement of the Petitioner in the Coonoor branch commenced from 27-5-87 and not from 7-7-87 as claimed by the Petitioner. It is not correct to say that the Petitioner continuously worked from 1987. No doubt the Petitioner has applied for a post of Part-time Safai Karmachari in Kothagiri branch. On 24-12-90, an agreement was made between the Respondent/Bank and All India Central Bank of India Employees Federation which laid down the following norms for absorption of temporary casual employees in the vacancies of subordinate staff/Part-time Safai Karmachari—

(a) temporary employees whose names are registered in the Employment Exchange but not forwarded or sponsored and have worked for 90 days or more after the cut off date namely 1-1-82 to the date of agreement 24-12-90;

(b) temporary employees whose names have been registered/forwarded by Employment Exchange and have worked for 90 days or more during the period from 1-1-82 to 31-12-86 and 60 days from 1-1-87 to 24-12-90 in any one year. In either case,

the registration with the Employment Exchange was necessary.

Unfortunately, the Petitioner got registered with the Employment Exchange only in September, 1989 and therefore, his engagement prior to 1989 could not be taken into account. After his registration, he had not worked for 90 days and therefore, he could not be considered for the post of Part-time Safai Karmachari in Kothagiri branch. Since there was no termination, there is no question of giving any notice or paying compensation. The Petitioner has not put in one year of continuous service. Mr. Loganathan was appointed long before the Petitioner made claim for absorption. Even the violation of Section 25H of Industrial Disputes Act, will not give a cause of action for the workman to invoke Section 2A of the Industrial Disputes Act. For all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the action of the Respondent/Bank in refusing to give employment to the Petitioner Sri J. Samuel Jayaraj w.e.f. 28-5-96 is justified or not?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1:—

6. In this case, the Petitioner alleged that he has worked more than 240 days in a continuous period of 12 months and even though there is a settlement between the Respondent/Management and the Employees Federation of the Respondent/Bank on 24-12-90 and subsequently modified on 6-4-93, the Respondent/Bank management has not regularised his service and all of a sudden, they have stopped his engagement, which is against the provisions of Industrial Dispute Act, and therefore, his services should be regularised, as his termination is vitiated by illegality.

7. As against this, the Respondent contended that though the Petitioner was engaged as temporary employee from 1987 to 1996, his temporary engagement was on casual basis and at no point of time, he has worked more than 240 days as alleged by him in a continuous period of one year and further, the Petitioner has not been terminated form service, but on the other hand, he has voluntarily given up the work and he has worked elsewhere namely in Kattabettu Tea Estate, which is more beneficial to him and therefore, he is not entitled to any relief.

8. In this case, the Petitioner has examined himself as WW1 and on the side of the Petitioner 12 documents were marked as Ex. W1 to W2. On the other hand, on the side of the Respondent, the present Branch Manager of the Kattabettu branch of the Respondent/Bank was examined as MW1 and on their side seven documents were marked as Ex. M1 to M7.

9. The learned counsel for the Petitioner argued that though on the side of the Respondent/Management Ex. M1 to M4 namely the token books maintained by the Coonoor branch of the Respondent/Bank were marked, they have not produced any document with respect to Kattabettu branch of the Respondent/Bank and they have also not given valid reason for not producing the documents. In this case, it is the evidence of the Petitioner and also the allegation in his notice before raising this dispute that he has worked for more than 240 days during the year 1990-91 in Kattabettu branch of the Respondent/Bank, but the Respondent/Bank has not produced any document to show that the Petitioner has not worked more than 240 days continuously during one year that too from January to September and they contended that the Petitioner has worked only for seven days at Kattabettu branch and it is only to nullify the contention of the Petitioner that he has worked more than 240 days at Kattabettu branch in the year 1991. Further, the learned counsel for the Petitioner argued that in Ex. W7 namely the notice to the Regional Manager, wherein the Petitioner has mentioned that he was working as Sub-staff/sweeper in the imaginary names namely B. Sivaraj, K.M. Raman, Prabhakar, Mani etc. The Branch Manager has also recorded in details of his working in Kattabettu branch, which indicates this fact also and he has also accepted that wages were paid to Petitioner. The Respondent has not given any reply that he has not worked in different names as requested by the Branch Manager. From these circumstances, itself, this Tribunal can come to an conclusion that only to avoid the situation that the Petitioner was engaged continuously for more than 240 days, they have given the wages in different names to the Petitioner, it is noting but an unfair labour practice of the Respondent/Bank. Thus, the Respondent/Bank has indulged in adopting the practice of unfair labour practice to deny the Petitioner the benefits entitled under Industrial Law. Further, on 20-12-1995 for recruitment or regularisation of temporary Safai Karamcharis, the Regional Office of the Respondent/Bank has issued a circular asking for the particulars with regard to the Safai Karamcharis who have worked 240 days in a continuous period of 12 months between the period 1-1-82 to 31-3-95 and also the names of temporary Safai Karamcharis sponsored through the Employment Exchange and completed 90 days in any one year from 1-1-82 to 31-12-86 or sponsored by Employment Exchange and completed 60 days from 1-1-87 to 31-3-95 and also the persons registered with the Employment Exchange but not forwarded or sponsored and have worked for 90 days in any one year from 1-1-82 to 31-3-95. In this case, though the Petitioner has worked for more than 240 days in a continuous period of one year further worked more than 180 days or 90 days in the concerned period from 1-1-82 to 31-3-95, the concerned Branch Manager has not given the particulars to the authorities and therefore, he has not

been regularised. On the other hand, even from the documents produced by the Respondent, it is clear that he has worked more than the days mentioned in Ex.W6, on any account, the Petitioner has to be regularised in the service of the Respondent/Bank.

10. On the other hand, the learned counsel for the Respondent argued that even though on 24-12-90 an agreement was made between the management of the Respondent/Bank and the Central Bank of India Employees Federation, which laid down the norms for absorption of casual employees in the vacancies of subordinate staff/ Part-time Safai Karamcharis and the norms namely temporary employees whose names are registered in the Employment Exchange but not forwarded or sponsored and have worked for 90 days or more after the cut off date namely 1-1-82 to the date of agreement 24-12-90 and the temporary employees whose names have been registered/ forwarded by Employment Exchange and have worked for 90 days or more during the period from 1-1-82 to 31-12-86 and 60 days from 1-1-87 to 24-12-90 in any one year and in either case, the registration with the Employment Exchange was necessary and unfortunately the Petitioner has got registered with Employment Exchange only in September, 1989 and therefore, his engagement prior to 1989 could not be taken into account and after registration, he has worked only for 90 days and therefore, he could not be considered for the post of Part-time Safai Karamchari in any one of the branches.

11. But I find, there is no points in this contention because in the norms, it is mentioned that temporary employees whose names are registered in Employment Exchange but not forwarded or sponsored and have worked for 90 days or more after the cut off date i.e. 1-1-1982 to the date of agreement namely 24-12-90 and further even in the year 1993 the agreement has been modified and even in that norms 1 p.m. been mentioned and only to refuse the regularisation of the Petitioner, I find, the Respondent has taken a different stand and by no stretch of imagination, it can be said that the Petitioner has not completed the period as mentioned in the settlement.

12. Further, the learned counsel for the Petitioner relied on the rulings reported in 1986 I LLJ 127, wherein the Supreme Court, while considering the disengagement of Tikka Mazdoor in Reserve Bank of India has held that *"direction that Tikka Mazdoor should not be engaged continuously but should be offered work on a rotation basis is an unfair labour practice as defined in Section 2(ra) of the Act read with item 10 of Schedule V. The bank has indulged in methods amounting to unfair labour practice to deny the employee the benefit under the Industrial Law and further directed the bank to enlist the employee as regular employee as Tikka Mazdoor to reinstate him and pay him the back wages upto date."* It is further held in that judgement that *"striking off the name of working from the rolls of the employer amounts to termination of service and such termination is retrenchment within the meaning of Section 2(oo) of the Act and if such retrenchment is effected in violation of mandatory provisions of Section 25F of the act the termination would be invalid and the employee's name has been struck off from the list of Tikka Mazdoor in violation of Section 25F the Act."* Though in this case, the Respondent contended that the Respondent/ Management has not refused to engage the Petitioner, on the other hand, the Petitioner has voluntarily given up the work and he has engaged in some other work namely under Tea Estate at Kattabettu, which is evident from the records produced by the Respondent under Ex.M5 and therefore, it cannot be said as termination of the services of the Petitioner by the Respondent. On the other hand, it was held in several judgements of the Apex Court and also High Courts that even the disengagement of the workman amounts to retrenchment. Under such circumstances, I find there is no point in the contention of the learned counsel for the Respondent.

13. Again, the learned counsel for the Respondent contended that even assuming that this amounts to retrenchment, the Petitioner has to be engaged only as a Casual Labour, on the other hand, the Petitioner in his evidence and in cross examination has stated that he is not willing to work in the bank on temporary basis and he wants to go for work only on permanent basis. On the other hand, this Tribunal cannot pass an order to engage him on permanent basis and therefore, even assuming for an argument sake that he is entitled for reinstatement as temporary/Casual Labour, he cannot be reinstated in this case because he is not willing to work on casual basis. Under such circumstances, only compensation can be given to the Petitioner.

14. But, I find in this case, even though the Petitioner has stated that he is not willing to work on temporary basis, the Court can only restore to his original post at the time of filing of the application. In this case, the Respondent/ Bank has want only given artificial names to him and paid wages only to avoid the continuity of his service and therefore, I find the Petitioner has continuously worked for more than 450 days and the matter was also dragged on for several years. Under such circumstances, I find the Petitioner is to be reinstated in service as claimed by him.

15. Again, the learned counsel for the Respondent argued that it is evident from the documents produced by the Respondent and also documents sent for by the Petitioner that from the alleged date of termination, the Petitioner was engaged in the Tea Estate, which according to him is more beneficial monetarily and therefore, his contention should not be accepted in these circumstances.

16. But, even assuming that it was proved that the Petitioner was engaged subsequent to his termination, it will be considered only at the time of awarding back wages and not with regard to his right for reinstatement and also for his regularisation. From the evidences adduced in this case and also from the documents produced before this Tribunal, I find the Petitioner has worked for more than 240 days and the records were not produced by the Respondent/Bank only to deny the claim of the Petitioner and in the absence of the records produced by the Petitioner with regard to Kattabettu branch of the Respondent/Bank, I find the case of the Petitioner, that he has worked for more than 240 days, is to be accepted. Under such circumstances, I find this point in favour of the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

17. In view of my findings that the Petitioner is entitled to the relief of reinstatement, I find this point also in favour of the Petitioner. As such, I direct the II Party/ Management to reinstate the Petitioner into service with continuity of service and other attendant benefits, but without any back wages, since he has worked gainfully, after his termination in the Tea Estate. No Costs.

18. Thus, the reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th March, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Part/Workman : WW1 Sri J. Samuel Jayaraj

For the II Party/Management : MW1 Sri Muthuramaiah

Documents Marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
1	2	3
W1	12-3-91	Xerox copy of the circular issued by Respondent/Bank For permanent absorption of temporary employees.
W2	12-2-92	Xerox copy of the letter from the Petitioner to Zonal Manager of the Respondent/Bank.
W3	17-2-92	Xerox copy of the letter from Regional Office of Respondent/Bank to Branch Manager, Kothagiri branch.
W4	6-4-93	Xerox copy of the settlement under Section 18(i).
W5	23-9-93	Xerox copy of the circular issued by the Respondent/Bank with regard to absorption of temporary employees.
W6	20-12-95	Xerox copy of the circular issued by Respondent/Bank to all branches regarding recruitment to temporary Safai Karamcharis.
W7	21-8-96	Xerox copy of the letter from Petitioner to Regional Manager Requesting for absorption.
W8	11-12-96	Xerox copy of the dispute raised by the Petitioner before Assistant Labour Commissioner (Central).
W9	19-2-97	Xerox copy of the reply submitted by the Respondent before Assistant Labour Commissioner (Central).
WI0	17-4-97	Xerox copy of the rejoinder submitted by Petitioner.
WI1	13-10-97	Xerox copy of the letter from Petitioner to Secretary, Ministry of Labour, New Delhi.
WI2	21-01-04	Statement showing the details regarding number of days Worked by the Petitioner and the wages earned by him in the Tea Factory Ltd.

For the II Party/Management :—

Ex. No.	Date	Description
M1	Nil	Original Misc. Expenditure book No. 1 for 1987.
M2	Nill	Original Misc. Expenditure book No. 2 for 1988—93.
M3	Nill	Original Misc. Expenditure book No. 3 for 1993—1995.
M4	1987 to 96	Certified copies of extract of attendance of the Petitioner
M5	10-08-02	Original postal acknowledgment card.
M6	12-09-92	Letter from the Kattabettu Industrial Co-operative Tea Factory Ltd. to the Respondent/Management.
M7	17-10-03	Letter from the Kattabettu Industrial Co-operative Tea Factory Ltd. to the Respondent/Management.

नई दिल्ली, 28 मई, 2004

का.आ. 1464.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्डियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नै के पंचाट (संदर्भ संख्या 38/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2004 को प्राप्त हुआ था।

[सं. एल-12011/185/2002-आई०आर० (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th May, 2004

S.O. 1464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 24-5-2004.

[No. L-12011/185/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th March, 2004

PRESENT:

SHRI K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 38/2003

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workmen)

BETWEEN:

The General Secretary, Indian Bank Employees Union, Chennai.	:	I Party/ Claimant
	AND	
The General Manager Indian Bank, Chennai.	:	II Party /Respondent

APPEARANCE;

For the Claimant : Mr. K. J. Arunachalam
Authorised Representative

For the Management : Mr. Jayasankar & Mr. P. Sankar
Authorised Representatives

AWARD

1. The Central Government Ministry of Labour vide Notification Order No. L-12011/185/2002-IR(B-II) dated 31-01-2003/10-02-2003 has referred the following dispute to this Tribunal for adjudication :—

> "Whether the punishment of discharge from services from the bank imposed on Sri S. Malik, Clerk/Shroff, Thevaram branch by the management of Indian Bank is justified and legal ? If not, what relief is the workman concerned entitled to?"

2. After the receipt of the reference, it was taken on file as I.D.No. 38/2003 and notices were issued to both the parties and both the parties entered appearance through their authorised representatives and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows:—

The petitioner Union espouses the cause of the concerned employee Sri S. Malik who was working as clerk/shroff at Thevaram branch of the Respondent/Bank since, 1985. While so, he was issued with charge sheet dated 27-11-99 framing certain charges therein and ordered for departmental enquiry into the alleged charges. The concerned employee participated in the said proceedings and during the course of the said proceedings, he has admitted the charges levelled against him, therefore, the Enquiry Officer held that the concerned employee was guilty of the charges levelled against him. The Disciplinary Authority issued 2nd show cause notice on 2-2-2000 proposing a punishment of discharge from service of the bank. The concerned employee appeared before the Disciplinary Authority on 15-2-2000 during the personal hearing offered to him and explained the psychological affliction and the resultant depression which was the cause for the happenings mentioned in the charge sheet and the resultant punishment and he pleaded for lesser punishment, as the proposed punishment was much harsh and severe for the levelled charges. Further, he pleaded for sympathetic consideration taking into account the extenuating situation the employee was placed in. But the Disciplinary Authority confirming the punishment proposed by him and passed an order dated 19-2-2000. Even the appeal preferred by the concerned employee was rejected. The punishment awarded should commensurate with the charges/office alleged against the workman and there cannot be a harsh, severe and disproportionate punishment to the allegations. Further, the punishment awarded to the concerned employee did not reflect the terms of the settlement and mere mention of discharged from services of the bank without any rider to this as laid down in settlement makes this order defective and a contravening order of punishment in violation of terms of the legally binding settlement. Hence, for all these reasons, the Petitioner Union prays that the order of discharge is to be set aside and the concerned employee may be reinstated in service with all benefits.

4. As against this, the Respondent in its Counter Statement contended that four charges were framed against the concerned employee. The first charge is he has absented for duty on various occasions from 2-7-99 to 9-9-99 in short spells. The second charge is that he has absented himself from duty unauthorisedly during 26-5-99 to 12-11-99 for various dates and the third charge is that he has absented himself from duty unauthorisedly during 5-9-99 to 5-10-99 for 31 days. The fourth charge is that he has not done the work allotted to him by an office order of the branch management . All the charges were proved against him. Since it was a gross misconduct, a departmental enquiry was ordered by the Disciplinary Authority and the charge sheeted employees participated in the said proceedings and voluntarily admitted the charges without any compulsion. Upon the admission, the Enquiry Officer found him positively guilty of the charges levelled against him. The Disciplinary Authority after applying his mind concurred with the findings of the Enquiry Officer and found that the charges framed against the concerned employee was a gross midconduct and he proposed the punishment of discharge from the services of the bank and issued 2nd show cause notice. Even though personal hearing was offered to the concerned employee, he has neither submitted his reply to the 2nd show cause notice nor submitted and extenuating circumstances in the personal hearing so as to make a review on the proposed punishment. The allegation that due to psychological problems these mistakes have been committed by him is only an after thought and the same cannot be accepted as a valid reason. Further, previously on seven occasions, he was awarded with punishments, but the concerned employee went on committing the misconducts repeatedly and he has committed these misconducts as a matter of routine and he has prepared to accept any punishment other than dismissal or discharge. The punishments previously imposed on seven occasions did not create any impact on the charge sheet employee to correct himself. As a clerk, the concerned employee is required to adhere to discipline, proper behaviour in branch premises and direct responsibility to banking public. The recurrence of such misconducts are undoubtedly serious in nature and the survival of the branch depends upon the basic honesty and standard behaviour of the employees and whatever manner such misconducts or delinquency been described, it is the most harmful and grave misconduct which the employee could repeat. The bank being a service industry, guardian of public money has to attend to the needs of customers/ banking public and cannot allow the employees to breach discipline, allow improper behaviour, intentional wrong doing and deliberate violation of a rule of standard or behaviour. Hence, the Disciplinary Authority finally thought it appropriate to remove the concerned employee from the services of the bank. Further, he had not brought out the psychological problems any where during the departmental proceedings. On the contrary, the charge sheeted employee submitted documents to disown his claim that he was having psychological problems. Therefore, the employer can no longer tolerate his behaviour and consequently forced to take appropriate action. Only because of his incorrigible behaviour, the management thought it fit to remove the concerned employee from service and certainly the punishment is appropriate and the allegations of the petitioner Union as claimed in Claim Statement are not correct. Hence, for all these reasons, the Respondent prays that the claim of the Petitioner Union may be dismissed with costs.

5. In such circumstances, the points for my determination are:—

(i) "Whether the punishment of discharge from service from the bank imposed on Mr. S. Malik, Clerk/Shroff, Thevaram branch by the Respondent/Management is legal and justified?

(ii) "To what relief, the concerned employee is entitled?"

Point No. 1 :-

6. In this case, on the side of the Petitioner 10 documents as Ex.W1 to W10 were marked and on the side of the Respondent 33 documents as Ex. M1 to M 33 were marked. No witness was examined on both sides. It is an admitted fact of both sides in this case that four charges were framed against the concerned employee Sri S. Malik, Clerk/ Shroff, Thevaram branch of the respondent/Bank. The first charge is that he has abstained from duty in short spells on 14 occasions between the period 2-7-99 to 9-9-99. The second charge is he has absented himself from duty unauthorisedly during the period from 26-5-99 to 12-11-99 on 12 occasions. Similarly, the third charge is that he has absented from duty unauthorisedly for a continuous period of more than 30 days without any intimation to the bank from 5-5-99 to 5-10-99 namely 31 days. The fourth charge is that he has not done the work allotted to him by an office order of the branch management. For these charges, a departmental enquiry was ordered by the Disciplinary Authority and in that the concerned employee participated and he has admitted the charges framed against him on his own and without any compulsion. On his voluntary admission, the Enquiry Officer found him positively guilty of charges levelled against him and he was prepared to admit any punishment other than dismissal or discharge.

7. The authorised representative of the Petitioner in this case, contended that even at the time of admission, the concerned employee has prepared to accept any punishment other than the dismissal or discharge under such circumstances, the punishment imposed on the Petitioner namely discharge from service is very harsh and not commensurate with the charges levelled against him. Therefore, under section 11A of the Industrial Disputes Act, this Tribunal has got every power to set aside the order of punishment and can interfere with the punishment

imposed and moulding the same to a lesser punishment or otherwise.

8. As against this, the authorised representative of the Respondent/Bank contended that this is not the first occeasion, the concerned employee was absented for duty unauthorisedly, but even prior to this occasion, he has been imposed with minor punishments on seven occasions namely during the period from 3-8-95 to 30-12-95 he has absented to duty unauthorisedly on 26 occasions. Similarly, he has absented for duty on 38 occasions during the period from 2-5-95 to 30-12-95 and an enquiry was conducted and on 5-9-96 punishment of stoppage of one increment without cumulative effect was ordered. Similarly, from 20-1-97 to 26-2-97 on 18 occasions of absence and for other charges of cash shortage, leaving cash cabin key, an enquiry was conducted on 19-8-97 and another punishment of stoppage of one imcrement without cumulative effect for six months was ordered. On the third occasion, he absented for duty from 12-8-97 to 4-10-97 on 28 occasions and an enquiry was condueted on 3-12-97 and at that time warning was given to the concerned employee. In the fourth occasion, he was absented for duty from 21-4-98 to 7-8-98 on six occasions and in the enquiry held on 15-12-98, punishment of censure was imposed on him. On the fifth occasion, he was absented for duty from 13-8-98 to 11-9-98 on ten occasions for which warning was was imposed as a punishment. In the sixth occasion, during the period 1-4-98 to 22-12-98 on 25 occasions he has absented for duty and in the enquiry held on 9-6-99, again punishment of censure was imposed on him. On the 7th occasion during the period 19-1-99 to 18-5-99 he has again absented for duty on 38 occasions and in the enquiry, punishment of censure was again imposed on him. In all these occasions, the charge sheeted employee was in the habit of committing these misconducts as a matter of routine and he was prepared to accept any punishment other than discharge or dismissal. The minor punishments imposed on these seven occasions, did not create any impact on the concerned employee to correct himself. There is no dispute that as a clerk, the concerned employee is required to adhere to discipline, proper behaviour in branch premises and direct responsibility to banking public. The recurrence of such misconducts are undoubtedly serious in nature. It is an admitted fact that survival of the branch depends upon the basic honesty and standard behaviour of the employees and whatever manner such misconducts or delinquency be described, it is the most harmful and grave misconduct which the employee could repeat. The bank being a service industry, guardian of public money has to attend to the needs of customers/banking public and cannot allow the employees to breach discipline, allow improper behaviour, intentional wrong doings and deliberate violation of a rule of standard or behaviour. Hence, only after considering all these aspects, the Disciplinary Authority thought it appropriate to remove the concerned employee namely Sri Malik from the services of the bank and after considering the past record of the employee and only when the bank lost confidence on the employee. Under such circumstances, it cannot be said that the punishment awarded to the concerned employee is harsh or disproportionate to the charges levelled against him. It is the further argument of the authorised representative of the Respondent that though the Petitioner Union alleged that these misconducts were done by psychological problems of the concerned employee, it is not the allegation of the concerned employee during the departmental enquiry and in nowhere he has stated that he was affected by psychological problems. Therefore, this averment is only an afterthought and made only to create sympathy before the Tribunal. The behaviour of the concerned employee namely neglect of his official duties by a public servant by which the rights of banking public besides the employer's business have been greatly affected, therefore, the Respondent as an employer can no longer tolerate his behaviour of the concerned employee and consequently, forced to take appropriate action against the concerned employee. Under such circumstances, it cannot be stated that this punishment is harsh and severe and the Authorised Representative for the Respondent has also relied on three judgements of High Courts and Supreme Court. The first judgement is 2003 II LLJ 705 PRASAD BABU VS. CORPORATION BANK, H.O., MANGALORE AND OTHERS, wherein the High Court of Karnataka has held that *"where the delinquent officer set up a theory of assurance given by higher officers of closing the matter against him if he admitted the charges of irregularities and misconduct on his part, the High Court held it was only an after thought and he has not stated the details of the so called assurance nor placed any materials to show that such assurance was given."* It further held that *"the appellate and reviewing authorities were held to have passed the orders against the Petitioner after due consideration of the material on record."* The next judgement relied on by the Respondent side is 2003 II LLJ 1047 ASHOK LEYLAND LTD. Vs. PRESIDING OFFICER, SECOND ADDITIONAL LABOUR COURT AND OTHERS wherein, the Madras High Court considered the case the charge of misappropriation proved against the employee, wherein the High Court basing the Supreme Court Judgement held that *"in the event of the employer loosing confidence on the employee and passing order of termination, the Court cannot substitute the finding and confidence of the employer on its own and by ordering reinstatement. It was held that by reason of the gravity of the offence, the Labour Court cannot exercise its discretion and alter the punishment."* It has further held that *"the attitude of the Labour Court in this case having found the charges as proved and that the enquiry had also been conducted properly and at the same time should have ordered reinstatement has to be held as uncalled for, perverse and erroneous application of the discretion under section 11A. Nature of charges in this case, if proved*

would inevitably result in termination of service and an employee who is found guilty of such a charge cannot be thrust upon the unwilling management and the management cannot be compelled to employ him and to undergo the loss and to continue him in employment, even though he has lost the confidence of the management." The third judgement relied on by the Respondent side is •2003 II LLJ 986 V. KASI Vs. PANDIAN ROADWAYS CORPORATION LTD. MADURAI, wherein the Division Bench of the High Court of Madras has held that in this case the Labour Court has directed to reinstate the conductor who was guilty of misconduct and given the punishment of dismissal from service. The Division Bench of the High Court has further held that *"we are therefore unable to accept the submission made by the workman's learned counsel that the workman was not guilty of misconduct and that even if he were to be pulled up for such misconduct, the misconduct was not grave enough to warrant the penalty of dismissal from service. ..... It is misplaced sympathy by the Labour Court in such cases when on checking is found that the bus conductors have either not issued tickets to a large number of passengers though they should have or have issued tickets of a lower denomination knowing fully well the correct fare to be charged. It is the responsibility of the bus conductors to collect the correct fare from the passengers and deposit the same with the company. They act in a fiduciary capacity and it would be a case of gross misconduct, if knowingly they do not collect any fare or the correct amount of fare..... Interference under 11A by the Labour Court in cases where such dishonest conduct has been proved would not be justified"* and set aside the orders of the Labour Court as well as the order of Single Bench. The authorised representative of the Respondent further argued that in this case in many number of times, the Respondent/Management has taken lenient view and imposed minor punishments, even then, the concerned employee has not changed his attitude and by his act he has given much difficulty to his employer and only on consideration of all these things, the Respondent/ Management has taken a severe action against the concerned employee. Under such circumstances, by no stretch of imagination, it can be said that the punishment imposed by the Respondent/Management on the concerned employee is too harsh or severe in nature. Even according to the Bipartite Settlement, these mistakes committed by the concerned employee are grave in nature and therefore, awarding the punishment of discharge after imposing lesser punishments on earlier seven occasions cannot be considered as harsh. He has further argued that even the provisions of Bipartite Settlement give hope for leniency only for three occasions, on the other hand, the Respondent/Bank has on seven occasions had taken lenient view and imposed minor punishments and only because he has not changed his attitude, the Respondent/ Bank has taken a severe view and imposed the punishment of discharge of the charged sheeted employee from service. Under such circumstances, the punishment imposed on him is just, fair and proper and hence, the action of the Respondent/Bank is legal and justified and therefore, the claim of the Petitioner Union is to be dismisssed.

9. On consideration of the entire aspects in this case, I find the Petitioner Union has not placed any material records before this Tribunal to show that the misconducts committed by the concerned employee was only due to psychological problems and therefore, I find the allegation of psychological problems was made only as an afterthought, only to create sympathy in the minds of Tribunal. Under such circumstances, there is no material to interfere with the punishment imposed on the concerned employee by the Respondent/Management. As such, I find this point against the Peititioner Union.

Point No. 2 :-

The next point to be decided in this case is to what relief the Peitioner is entitled?

10. In veiw of my foregoing findings, I find the concerned employee is not entitled to any relief. No Costs.

11. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th March, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Marked :

Ex. No.	Date	Description
W1	27-11-99	Xerox copy of the charge sheet issued to concerned employee.
W2	20-01-00	Xerox copy of the enquiry proceedings.
W3	21-01-00	Xerox copy of the findings of Enquiry Officer.
W4	02-02-00	Xerox copy of the letter from Disciplnary Authority proposing the punishment and fixing personal hearing.
W5	19-02-00	Xerox copy of the order of punishment imposed by Disciplinary Authority
W6	21-03-00	Xerox copy of the appeal preferred by concerned employee.
W7	24-03-01	Xerox copy of the letter from Chief Manager to Petitioner enclosing order of Appellate Authority.
W8	04-03-01	Xerox copy of the dispute raised by the Union Before Regional Labour Commissioner (Central).
W9	31-12-01	Xerox copy of the reply submitted by Resondent Before Assistant Labour Commissioner (Central).
W10	29-08-02	Xerox copy of the rejoinder submitted by Petitioner Union.

For the II Party/Management:—

Ex. No.	Date	Description
M1	20-05-96	Xerox copy of the charge sheet issued to concerned Employee.
M2	Nil	Xerox copy of the reply given by concerned employee.
M3	05-09-96	Xerox copy of the letter of Disciplinary Authority Imposing punishment on concerned employee.
M4	23-04-97	Xerox copy of the charge sheet issued to concerned employee.
M5	13-08-97	Xerox copy of the reply given by concerned employee.
M6	19-08-97	Xerox copy of the letter of Disciplinary Authority Imposing punishment on concerned employee.
M7	14-10-97	Xerox copy of the letter from Disciplinary Authority To concerned employee framing charges.
M8	24-11-97	Xerox copy of the reply given by concerned employee To Disciplinary Authority.
M9	03-12-97	Xerox copy of the letter of Disciplinary Authority Imposing punishment on concerned employee.
M10	10-03-97	Xerox copy of the letter of Branch Manager Forwarding transfer application of Shri Malik.
M11	19-08-98	Xerox copy of the letter of Disciplinary Authority To concerned employee framing charges.
M12	08-12-98	Xerox copy of the reply given by concerned employee.
M13	15-12-98	Xerox copy of the leltter of Disciplinary Authroity Imposing punishment on concerned employee.
M14	08-12-98	Xerox copy of the letter from concerned employee To Disciplinary Authority.
M15	25-09-98	Xerox copy the letter from Disciplinary Authority to Petitioner.
M16	15-12-98	Xerox copy of the letter of Disciplinary Authority Imposing punishment on concerned employee.
M17	21-05-99	Xerox copy of the letter of Disciplinary Authority Framing charges against concerned employee.
M18	04-06-99	Xerox copy of the letter of concerned employee Addressed to Disciplinary Authority.
M19	09-06-99	Xerox copy of the letter of Disciplnary Authority Imposing punishment on concerned emplyee.
M20	24-05-99	Xerox copy of the letter of Disciplinary Aurhority To concerned employee framing charges.
M21	04-06-99	Xerox copy of the letter from concerned employee To Disciplinary Authority.
M22	09-06-99	Xerox copy of the letter of Disciplinary Authoirty Imposing punishment onconcerned employee.
M23	16-01-00	Xerox copy of the medical certificate
M24	21-03-00	Xerox copy of the medical certificate.
M25	27-11-99	Xerox copy of the letter of Disciplinary Authority To concerned employee framing charges.
M26	20-01-00	Xerox copy of the proceedings of enquiry.
M27	21-01-00	Xerox copy of the findings of Enquiry Officer.
M28	02-02-00	Xerox copy of the letter of Disciplinary Authority Proposing punishment of discharge on concerned Employee.
M29	19-02-00	Xerox copy of the letter of Disciplinary Authority Imposing punishment of discharge on concerned Employee.
M30	07-04-00	Xerox copy of the letter of the Petitioner acknowleding the letter for personal hearing.
M31	15-04-00	Xerox copy of the letter from Appellate Authority to Petitioner giving personal hearing.
M32	26-06-00	Xerox copy of the order of Appellate Authority.
M33	24-03-01	Xerox copy of the letter from Respondent Bank to the Petitioner enclosing order of Appellate Authority.

नई दिल्ली, 31 मई, 2004

का.आ. 1465—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन पैट्रोकेमिकल्स कारपोरेशन लि., के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/4/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-2004 को प्राप्त हुआ था।

[सं. एल०-30011/8/2003-आई०आर० (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 31st May, 2004

S.O. 1465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government here by publishes the Award (Ref. 2/4 of 2003) of the Central Goverment Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industiral dispute between the employers in relation to the management of Indian Petrochemicals Corporation Ltd. and their workmen, which was received by the Central Government on 31-5-2004.

[No. L-30011/8/2003-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT MUMBAI

PRESENT:

JUSTICE S. C. PANDEY PRESIDING OFFICER

REFERENCE NO. CGIT-2/4 OF 2003

Employers in Relation to the Management of M/s. Indian Petrochemicals Corporation Ltd.

The General Manager, (P&A)
Indian Petrochemicals Corporation Ltd.,
At. Nagothane,
Distt. Raigad (MS) 402 125

AND

THEIR WORKMEN

The Unit Secretary,
Shramik Sena,
Khairane (Bonekode, Turbhe),
Navi Mumbai,
Distt. Thane.

APPEARANCES:

For the Employer : Shri A.N. Mulla
Advocate.

For the Workmen : Shri M.B. Anchan
Advocate.

Mumbai, dated 10th May, 2004

AWARD

This is a reference made to this Tribunal under Clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947. The terms of the disputes are as follows :

"Whether the demand of the Union (Shramik Sena) that-All the workmen i.e. Shri Krishna Joma Mhatre and 18 others referred in Exh.. "A" be made permanent in the services of M/s. Indian Petrochemicals Corporation Ltd. and be given the wages and allowances and benefits which are currently paid to the permanent workmen of M/s. IPCL is legal and justified? If no, what other relief, If any, the workmen are entitled to?"

2. A Joint application dated 12-04-2004 has been filed on behalf of the parties (Ex-15) on 10-05-2004. It has been stated that the matter has been settled out of Court in terms of memorandum of Settlement dated 12-04-2004 attached to the application.

3. Both the parties desire that this Tribunal should dispose of this reference by stating that the dispute has been settled out of Court.

4. Having considered the Settlement dated 12-04-2004 purported to be executed under Section 2 (P) read with Section 18 (1) of the Industrial Disputes Act, 1947, this Tribunal is of the view that the dispute referred to it does not survive for adjudication.

5. Accordingly this award is passed stating that owing to subsequent events, the dispute does not survive and reference is accordingly disposed of.

Justice S.C. PANDEY, Presiding Officer

नई दिल्ली, 31 मई, 2004

का.आ.1466.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिनरल एक्सप्लोरेशन कारपोरेशन लि., के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 253/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-2004 को प्राप्त हुआ था।

[सं. एल०-29012/85/97-आई०आर० (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 31st May, 2004

S.O. 1466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 253/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mineral Exploration Corporation Ltd. and their workmen, which was received by the Central Government on 31-5-2004.

[No. L-29012/85/97-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, B.Sc., LL.B., PRESIDING OFFICER

INDUSTRIAL DISPUTE No. 253/2001

(Old I.D. No. 1/98 transferred from Industrial Tribunal-cum-Labour Court, Warangal)

Between :

Sri J. Venkata Narasaiah,
C/o The Deputy General Secretary,
Singareni Collieries Workers Union
(AITUC), Ramakrishnapur. .....Petitioner

AND

The Chairman-cum-Managing Director,
Mineral Exploration Corporation Ltd.,
Seminary Hills, Nagpur ....Respondents

APPEARANCES:

For the Petitioner : Sri P. Surender Kumar, Advocate

For the Respondent : M/s P. Nageswara Sree,
K. Raghuram Reddy &
Ch. Venkata Raju, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-29012/85/97-IR(M) dated 4-2-1998 referred the following dispute under section 10 (1) (d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal cum Labour Court, Warangal between the management of Mineral Exploration Corporation Limited and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C.II) dated 18-10-2001 bearing No. 1/98 The reference is,

SCHEDULE

"Whether Shri J. Venkatanarasaiah who was appointed on 3-7-95 as unskilled contingent workman and was terminated with effect from 31-10-96 is entitled for permanent employment in M/s. Mineral Exploration Corporation Ltd., on compassionate grounds in place of his Brother J. Ramchander who died while on duty on 5-4-95 while working under M/s M.E.C.L. or not? If not, to what relief he is entitled for?"

The reference is renumbered in this Tribunal as I.D. No. 253/2001 and notices were issued to the parties.

2. The brief facts averred in the claim statement are : That the Petitioner was the brother of J. Ramachandraiah who died on 5-4-95 while on duty. consequently the Respondent made a compensation to the legal heirs of deceased and offered employment to one of the legal heirs of the deceased. Thereupon the Petitioner gave application expressing his willingness to join the duty on compassionate grounds and the remaining legal heirs of deceased Ramachandraiah has consented to secure employment. The Petitioner was appointed as a contingent workman on 3-7-91 by the Respondent herein. That he has been oftenly discontinued without any reason or cause. Therefore the Petitioner has requested on several times provide or confirm his services on regular basis and subsequently he raised conciliation before Assistant Labour Commissioner(C), Mancherial. The conciliation proceedings resulted in failure and hence, the reference to the Hon'ble Tribunal. That he was taken on compassionate grounds to honour the sentiments of the local people/local authorities. If at all there is no such rule or regulation exists on the date of providing compassionate appointment what made the Respondent to provide the job and hence, the Respondent may discontinue the Petitioner at any time or retain, it is at their sweet will and they have issued an order dated 31-10-96. It may be set aside and direct the Respondent to confirm the services of the Petitioner on permanent basis with all benefits.

3. A counter was filed stating that the main crux in the counter that the company is going through bad financial crisis hence, they have implemented voluntary retirement scheme. There are 800 persons and above manpower. There will be down flow of 20 crores in view of voluntary retirement scheme. That a similar dispute was referred by the Government of India, Central Govt. Industrial Tribunal cum Labour Court, Jabalpur and the Award of the Jabalpur was later quashed for various reasons in the Hon'ble High Court. A copy of the said award is enclosed. Referring to the aforesaid, it is stated that a casual worker by name Sri T. Ramachandraiah died in an accident on 5-4-95. All the terminal benefits were paid to him. Yet, the company provided an alternative employment to the brother of the deceased Ramachandraiah, namely Sri J. Venkata Narasaiah herein as a casual worker. His services were extended from time to time. His services were terminated along with others on 31-10-96 on completion of work at KTK-2A, Bhupalapalli by tendering all terminal dues payable to the workmen. He also received terminal benefits tendered to him. Again he was reengaged till 9-1-98. Even if it is considered that compassionate appointment has to be given to family member of the deceased, brother does not fall under the category of family member. The Company is running already huge financial losses accumulated to more than Rs. 63 crores, Hence the petition may be dismissed.

4. The Petitioner examined himself as WW1 that his brother Ramachandraiah, who died on 3-7-95 leaving, his widow two daughters and one son. His widow is unable to attend work as her leg is swollen. He was appointed on compassionate grounds. He was given work till 31-12-2002. His services are not regularized. In the cross examination he deposed that Ex. M 1 is the appointment order of his brother. Ex. M2 is the appointment letter. Ex. M 3 is acceptance letter . Ex. M 6 is the termination notice. Ex. M7 is a termination notice with compensation amount. Ex. M 8 is another appointment order. Ex. M 9 is letter of acceptance. EX. M 10 is joining report. That he received the termination notice dated 29-11-2000. That he received Rs. 22058.25 as closure compensation. That he also received Rs. 37063/- EPF amount. It is correct that there by is completely closed and nobody is working.

5. Sri A.L. Kulkarni, Senior Superintendent deposed as MW1 stating that the workman was temporarily appointed. That they are party to SLP No. 4810-4811 of 1999 (Civil Appeal No. 2027-2028 of 2002) pending before the Hon'ble Supreme Court. The disinvestment commission recommended the closure of the corporation. That the said temporary establishment, Bhupalapalli was closed after settling all the dues payable to the workman under the I.D. Act. It was closed in the month of April, 2000.

6. It is argued by the Learned Counsel for the Petitioner that the Petitioner has been given compassionate appointment in place of his brother Ramachandraiah, who died in an accident. The company is blowing hot and cold. In order to pacify the local public the Petitioner was given an employment being the brother of deceased Ramachandraiah and once the local commotion has subsided the Petitioner is shown a red flag and asked to go away. Hence, he may be reinstated.

7. It is argued by the Learned Counsel for the Respondent that it is correct that the Petitioner has received Rs. 28058.25 as closure compensation and he received Rs. 37063/- EPF amount. Petitioner now turn round and say that he wants job. Hence, he submits that the Petitioner may not be reinstated.

8. It may be seen that no doubt the appointment may be compassionate appointment in the initial stage but once work is over and the work stopped itself means closed and WW1 has admitted that he received Rs. 28058.25 as closure compensation and also he has received Rs. 37063/- as EPF amount now it does not seem fair for him to come and ask for employment by the Respondent Company when the Respondent Company itself is in doldrums and as the Company has paid the compensation, the Company cannot be asked again to reinstate the Petitioner. Hence, the reference is answered as follows : That the Management of Mineral Exploration Corporation Ltd., is justified in terminating Sri. J. Venkatanarasaiah from service from 31-10-96 and the Petitioner is not entitled for any relief'.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of April, 2004.

E. ISMAIL Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner :	:	Witnesses examined for the Respondent :
WW 1 : Sri J. Venkatanarasaiah	:	MW 1 ; Sri A.L. Kulkarni

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

EX. M1 : Copy of J. Ramachandraiah's appointment order dt. 24-10-94

EX. M2 : Copy of acceptance letter dt. 8-1-94

EX. M3 : Copy of letter of acceptance of WW 1 dt. 8-7-95

EX. M4 : Bio-data of WW 1 dt. 3-7-95

EX. M5 : Joining report of WW1 dt. 3-7-95

EX. M6 : Copy of termination notice dt. 30-9-96

EX. M7 : Copy of termination order dt. 31-10-96

EX. M8 : Copy of appointment order of WW 1 dt. 10/11-7-97

EX. M9 : Letter of acceptance of WW 1 dt. 15-7-97

EX. M10 : WW 1's joining report dt. 15-7-97

EX. M11 : Copy of termination notice No. 3514/29/Ret./P &/A/BHPL/02 dt. 29-11-2002

EX. M12 : Copy of closure compensation particulars of WW1

EX. M13 : Copy of particulars of EPF amount received by WW1

EX. M14 : Copy of profit & loss account of the Respondent corporation as on 31-3-2002

EX. M15 : Copy of letter of permission to close the establishment dt. 26-11-2002

EX. M16 : Copy of another termination notice dt. 29-11-2002

EX. M17 : Postal acknowledgement

नई दिल्ली, 31 मई, 2004

का.आ.1467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टर्मिनल आपरेटर्स एसोसिएशन आफ कोचीन (प्रा०) लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 6/1994 (सी) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-2004 को प्राप्त हुआ था।

[सं. एल०-35012/1/93-आई०आर० (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 31st May, 2004

S.O. 1467.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government here by publishes the Award. Ref. No. 6 of 1994 (C) of the Central Govt. Labour Court Ernakulam as shown in the Annexure, in the industiral dispute between the employers in relation to the management of Terminal Operators Association of Cochin (P) Ltd. and their workman, which was received by the Central Government on 31-5-2004.

[No. L-35012/1/93-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

Wednesday, the 17th day of March, 2004

PRESENT:

Smt. N. Thulasi Bai, B.A. LL. B.,

Presiding Officer

INDUSTRIAL DISPUTE NO. 6 OF 1994 (Central)

BETWEEN

The Managing Director, Terminal Operators Association of Kochi Pvt. Ltd. C/o Hash & Co. Collis Building, Willington Island, Kochi-3 (Kerala)

AND

The workman of the above concern Sri. P.B. Aboo. H. No. C. C. 4/74, Adhikari Valappu, cochin-682 001.

Representations:

Sri. K.A. Jaleel, Advocate, Malloor Building, Lisie Junction, Ernakulam. North. : For Management

Sri. S.P. Chaly, Advocate, Ernakulam, Cochin-682 011. : For workman

Award

This reference was made by the Central Government as per letter No. 35012/I/93—IR (Misc) dated 22-7-1994. The dispute is between the Management of Terminal Operators Association of Cochin (P) Limited and their workman Sri. P.B. Aboo. The dispute referred is:

> "Whether the non-inclusion of name of Shri P.B. Aboo in the container workers' List as per the Memorandum of settlement signed on 25-5-1993 before the Regional Labour Commissioner (Central) Cochin by the terminal operator Association of Kochi Private Limited is justified If not to what relief the concerned workman is entitled to?"

There are two managements in the reference, the Managing Director, terminal Operators Association of Kochi Pvt. Limited and the partner M/s Hash and Co., Collis Buildings, Willngton Island, Kochi-3.

2. On receipt of notices issued from this court the workman and opposite parties appeared through counsel.

3. The workman filed a claim statement raising the following claims —The workman Sri. P.B. Aboo was an employee of M/s. T.A. Mammu and Sons, Sub contractors of M/s Binni and Company Pvt. Limited who were the wharf contractors of Ernakulam and Mattancherry. He worked under them from 1978 to 1981. From 22-2-1981 M/s Binny and Company changed their Sub Contractors and the contract was given to M/s Hash and Company, Willington Island Kochi. Then the workman continued his employment under the subsequent sub contractors M/s. Hash and Company. In December 1982 the workman left the employment of the sub contractor for a short period in order to try to go abroad seeking employment. The attempt of the workman was not succeeded and so he returned to Kochi. Then he approached M/s Hash and company and requested to employ him for the work he was doing. Though M/s. Hash and company promised to employ the workman they did not keept their word. During 1990 the workman understood that the steamer Association of Kochi is making arrangements to start a pool scheme for carrying out work in Ernakulam and Mattancherry wharf. Then the workman approached the second Management Hash and company and requested to include the workman also in the pool scheme considering his experience in the field. Apprehending that the second opposite party will not include the workman in the pool scheme he approached the Regional Labour Commissioner (Central) Ernakulam to redress his grievance. After conciliation the Regional Labour Commissioner directed the first opposite party to include the workman also in the pool scheme in the conciliation proceedings held on 22-5-1991. Hash and company agreed to do the needful to include the workman as a container worker. Inspite of the direction by the Regional Labour Commissioner the opposite parties did not comply the same. The opposite parties have formed a pool scheme containing 80 workers to work in the various shifts. But the workman was excluded from the same. Even after the formation of the pool scheme the workman approached the opposite parties seeking employment, but they did not care to provide him employment. Again the workman approached the Regional Labour Commissioner(C), Ernakulam by filing representation in respect of his grievances. Though conciliations were initiated the dispute could not be settled thereby the present reference to this court for adjudicating the dispute. The workman has no alternate employment thereby himself and his family are finding it difficult to meet the day to day expenses. As he was a container worker from 1978 onwards he is entitled to get reinstated in that capacity in the Ernakulam and Mattancherry wharf. Many of the workers included in the pool scheme are not so experienced as the workman. So the workman prays for passing an award directing the opposite parties to include his name also in the pool scheme of Ernakulam and Mattancherry Wharfs.

4. In the written statement filed by the opposite parties following contentions are seen raised :— The workman was not an employee of the second opposite party M/s Hash and company. The Second management started the work of handling Bulger wheat for M/s Binny

Limited, agents for M/s American President Lines from 1981 December onwards. The workman was engaged on casual basis for work at that time whenever over flow chances occured. At present the second opposite party is not handling container works. The workman being a casual worker was used to engage for stiching and collecting sweepings work during 1981 if there were chances over the 15 regular workers. He left the casual work as early in 1982 without serving any notice and without any intimation to the second opposite party. Thereafter he has not approached the second opposite party for any employment and no promise has been given to him for employment. During 1989 the Chairman, Cochin Port Trust constituted a Committee comprising of members from stemer agents, stevedores and trade unions under the convenership of the then Secretary, Cochin Duck Labour Board for finalising the list of container workers. During the course of decisions or thereafter none of the members including the unions did not mention the name of the members including the unions did not mention the name of the workman to include in the list. The workman also is not made any representation before the committee. The list of container workers was finalised by the end of 1989 and in 1990. It is true that the workman approached the Regional Joint Labour Commissioner (Central) for including his name also in the list. But it is not true that the second opposite party agreed to include his name in the list. No direction has been given by the R.L.C. (C) to the second opposite party to include the workman's name in the container workers' list. The workman was not a container worker and second opposite party has no authorities to include on exclude any person in the present list of 70 container workers finalised by the committee referred earlier. During conciliation meetings the R.L.C.(C) was convinced that the workman has no right to include his name in the pool scheme. The 70 container workers included in the scheme list are well experienced in handling containers and they are attached with terminal operators. The employment opportunities of the existing container workers are in a declined position at present and their earnings also considerably went down. The claim raised by the workman is not legally sustainable. So the managements prays for passing an award rejecting the claim of the workman.

5. Workman filed a rejoinder traversing the contentions raised in the written statement and reiterating the claims in the claim statement.

6. For the purpose of this case evidence adduced from both sides which consists of the testimony of the workman as WW1 one witness on his side as WW2 and one management witness as MW1 and Exts. W1 to W11 series and X1.

7. Thus the points arise for determination are :

1. Whether the non-inclusion of the name of Sri. P.B. Aboo, the workman involved in the present case, in the container workers' list as per the memorandum of settlement dated 25-5-1993 before the Regional Labour Commissioner (Central) Kochi, is justified?
2. The relief, if any, due to the worker?

8. Points :—According to the workman he was an employee under M/s Benny and Company Private Limited, who were the wharf contractors of Ernakulam and Mattancherry wharf, for the period from 1978 to 1981. Thereafter the second management M/s Hash and company was given the sub contract of M/s Benny and company from 22-2-1981 and the workman continued his employment under that company also till December 1982. In December 1982 he left the employment for a short period in order to try to go abroad seeking employment. But as he could not succeed in his attempt he returned and demanded his earlier employment to the second management but they did not provide employment through they agreed to re-employ. During 1990 the steamer association of Cochin made arrangements to start pool scheme for carrying out work in Ernakulam and Mattancherry wharf the workman approached the second management and requested to include him also in the pool. He approached the Regional Labour Commissioner (Central) Ernakulam also to redress his grievance by filing a written complaint. Though conciliation proceedings were initiated on the petition he was not included in the pool scheme containing the names of 70 workers. It is the case of the workman that the Regional Labour Commissioner gave direction to the opposite parties to include his name also in the list which was not complied to.So he again approached the Regional Labour Commissioner (C) on which also conciliations were initiated. But no relief could be granted to the workman. Thereby the present reference to settle the claim. Though it is contended by the opposite parties that the workman was not an employee under the second opposite party it is admitted that he was engaged casual basis from December 1981 onwards when they started work for M/s. Binny Ltd. Their case is that he left the casual work as early in 1982 without any intimation to the second management and thereafter he has not approached the second opposite party for any employment and no compromise was made to give him employment. Initiation of conciliation proceedings before the Regional Joint Labour Commissioner (Central) basing on a petition filed by the workman for inclusion of his name in the container workers' list being prepared by the committee constituted at the instance of the Chairman, Cochin Port Trust compromising all members from steamer Agents, Stevedores and the trade unions under the convenorship of the then Secretary, Cochin Dock Labour Board is admitted by the management. But the claim of the workman that direction was given by the Regional Labour Commission to the second opposite party to include his name in the list and agreement on the part of the second management to comply the same are denied. It is the further case of the managements that the second management has no authority to include or exclude any person in the present list of 70 container workers prepared by the committee

constituted as referred earlier.

9. While considering the relief claimed by the workman the first and most important aspect to be noticeable is that even according to the workman he left the employment under the second management as early in 1982 for the purpsoe of seeking employment abroad. When he returned after his relieving from the work is no brought out. The workman has no claim that after his relieving in 1982 he worked under the second management or under the first management. If that is the case the workman lost his employment in 1982 and it is admitted by the workman himself that he left the employment on his own to try for better job opportunities in Gulf countries. He has no claim in the claim statement that his leaving in 1982 was as per permission obtained from the second management. Though it is claimed by the workman as WW1 that he left the employment in 1982 after taking leave from the second management and it was agreed by the second management to re-employ him on his return there is absolutely no evidence in that respect than the interested testimony of WW 1 which is not reliable in the absence of a claim in that respect in the claim statement, rejoinder or in the petitions filed before the Labour Commissioner. Even if there was denial of employment to the workman by the second management it was in 1982 in respect of which no action is seen taken by the workman. Though Exts. W1, W(a), W1 (b), W1 (c), W 1 (d) copy of petitions claimed to be filed by the workman before the Assistant Labour Commissioner(C) during 1985 to 1989 are produced from the workman's side to prove that he was initiating steps through Labour Authorities regarding denial of employment to the workman by the second Management there is absolutely no evidence to prove that the above petitions were actually filed before the Labour Officials and conciliation proceedings were initiated basing on it. If actually the workman had filed such petitions before the Labour Authorities, the authorities would have initiated conciliation proceedings, basing on it. In the absence of any evidence in that respect it cannot be believed that the workman has initiated steps through Labour authorities in respect of his denial of employment in 1982 till the filing of Ext. W1(e) petition dated 30-11-1990. In Ext. W 1 (e) the claim of the workman was direction to the second management to provide employment to him with backwager and also to include his name in the list of workmen for the purpose of decasualisation. It is an admitted case that during the end of 1989 and eginning of 1990 a committee compromising all members from steamer agents stevedor's and the trade unions under the convenorship of the then secretary. Cochin Dock Labour Board was constituted by the Chairman, Cochin Port Trust for finalising the list of container workers. After the finalisation of such list by including 70 container workers the workman approached the Joint Labour Commissioner to get his name also included in the list. The finalisation of the list was as per a memorandum of settlement signed on 21-5-1993 before the Regional Labour Commissioner (Central), Cochin is evident from the schedule of reference itself and the question referred is whether the non-inclusion of the workman's name in the list is justified. Though it is claimed by WW2, the Vice President of Cochin Port Labour Union that the workman is a member of his union he himself has no case that the union has persuaded the matter for an amicable settlement. Even according to him this case has no connection with the list of 70 persons prepared as per the memorandum of settlement. Ext. X1 of the office of the Assistant Labour Commissioner(C), Ernakulam produced at the instance of the workman is mainly relied on by the workman to prove that the second management agreed to include his name in the list and the Assistant Labour Commissioner gave direction to the second management include his name. It is evident from Ext. X1 file that basing on Ext. W 1 (e) petition filed by the workman before the Assistant Labour Commissioner conciliation was initiated and posted to 21-12-1990. On that day union was present representing the workman but the management was absent. WW2 appears to be signed in the proceedings on behalf of the workman. On 3-1-1991 the management and union were present and MW1 representing the second management stated that they have no objection to employ the workman as container worker provided all the 3 unions that is CPLU, CPTU and CTU agreed for the same and the parties agreed to have bilateral discussions and accordingly conciliations are adjourned to 31-1-1992. On that day both parties were absent and conciliation was adjourned to 19-2-1991. On that day union requested for postponement thereby it was adjourned to 28-2-1991. On that day union requested for postponement over phone and accordingly adjourned to 12-3-91. On that day also the union requested for time thereby adjourned to 22-4-1991 on which day union representative was present but nobody attended on behalf of management thereby adjourned for further discussions to a later date. Thereafter the conciliation was posted to 8-8-91 on which date the representation was closed since conciliation officer felt that the union is no more interested to persue their demand since the union was also absent. Thus it is evident from the above conciliation proceedings that there was no agreement by the second management to employ the workman in their establishment and direction by the Assistant Labour Commissioner to the second Management to employ the workman. But what was agreed by the second management was that they have no objection to employ the workman as cotainer worker if all the 3 unions agree for the same. As the second management was amenable for such a recourse it was the duty of the workman's union to get consent of the other unions to include the name of the workman also in the pool list of container workers. It is evidence from Ext. X1 file itself that after closing of the above conciliation on 8-8-1991 the workman filed another complaint on 6-5-1993 for inclusion of his name also in the scheme pool. Thereafter he filed

O.P. 8165 of 1993 before the Honourable High Court for a writ directing the Assistant Labour Commissioner to take a decision on the above representation and also to direct the Assistant Labour Commissioner to issue directions to the first management herein to employ the workman also in the pool scheme pending disposal of the O.P. In that O.P. Honourable High Court passed an order on 22-6-1993 directing the Assistant Labour Commissioner to consider the workman's representation dated 6-5-1993 and to pass appropriate orders within a period of one month from the date of receipt of a copy of the judgement. Basing on the above judgement the workman filed a petition before the Assistant Labour Commissioner on 21-7-1993 to take steps as per the direction in the judgement of the Honourable High Court and to take necessary actions to direct the second management to provide him employment with backwages and also to include his name in the scheme pool. On the above representation also conciliation proceeding were initiated by the Assistant Labour Commissioner but by that time a memorandum of settlement was arrived at on 25-5-1993 before the Labour Commissioner (Central) in the Industrial Dispute between the management of terminal operations Association of Kochi Private Limited and their workman represented by Kochi Contract Employees Association regarding formation of pool for the category of container handling workers at Kochi Port. As per the above settlement 70 container handling workers were included in the pool scheme. Basing on the above the second management intimated the Assistant Labour Commissioner that at the time of preparing the list of container workers the workman or his union has not made any representation to include his name in the list, that the workman's union has also consented to the list and as the list was prepared basing on a memorandum of settlement arrived between the unions and the first management, the second management cannot do anything in favour of the workman. The workman's union did not take any steps to include the name of the workman in pool and that may be the reason for statement by WW-2 that this case has no connection with the list of 70 prepared as per memorandum of settlement. As the conciliation basing on the complaint filed by the workman could not settle the claim the Assistant Labour Commissioner sent Ext. W5 failure report to the secretary. Government of India. But as the Government of India did not make a reference basing on the failure report the workman filed O.P. 4957/94 before the Honourable High Court for directing the Government to make a reference basing on the failure report. The Honourable High Court as per judgement dated 7-4-1994 directed the union Government to consider the failure report and pass appropriate order within a period of 2 months from the date of receipt of a copy of the judgement. Accordingly the present reference was made by the union Government. As per Exts W9, W10 series and W 11 series it is evident that the workman was issued with security pass for entering in the wharf by the second management and its predecessor company for the period from 1980-1982. But it is admitted by the workman himself as WW1 that the above passes have validity of a single day and without such a pass a worker will not be allowed to enter the wharf. It is further admitted by the workman that he had work only during the arrival of a ship in the port and on conclusion of the work in the particularship there will be no work and no pay if there is no subsequent ship. It is admitted by the workman that the 70 workers included in the pool are working under different companies and there are no permanent workers working under the second management. It is further admitted by the workman that now he is employed as the watchman under the security section in the port and before that he was working in the fisheries harbour at Thoppumpady. It was clarified during re-examination that if a worker is included in the pool system he will get payment even if there is no work. Thus from the above referred evidence and circumstances it can be found that the workman was not denied employment by the second management that managements have nothing to do to include the workman in the container workers list dated 25-5-1993 as it was arrived at as per the memorandum of settlement signed before the Regional Labour Commissioner (Central) Kochi and as the workman was not under the employment of the managements at the time of settlement and preparation of the list, the non-inclusion of his name in the list cannot be found as illegal. Thus if follows that the non-inclusion is justified and the workman is not entitled to get any relief as per the reference. Points are answered accordingly.

In the result, an award is passed finding that the non-inclusion of the name of Sri. P.B. Aboo, the workman involved in the present case in the container workers list as per the memorandum of settlement signed on 25-5-1993 before the Regional Labour Commissioner(C), Cochin by the terminal operations Association of Kochi (P) Limited is justified and the workman is not entitled to get any relief as per the reference.

This award will take effect one month after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 17th day of March, 2004.

Ernakulam.

N. THULASI BAI, Presiding Officer

APPENDIX

Witness Examined on the side of the Management :—

MW1 : Sri. K.P. Augustian

Witness examined on the side of the workman ;—

WW1—Sri. Aboo.

WW2—Sri. K.V. Iyyer.

Exhibits marked on the side of the workman :—

Ext. W1—(series 6 in No.)
Photo copy of the complaint submitted before the Assistant Labour Commissioner (C).

Ext. W2—Photo copy of letter issued by union to the Regional Labour Commissioner (C).

Ext. W3—Photo copy of complaint send to the chairman, Port Trust, Kochi.

Ext. W4—Photo copy of letter dated 6-5-1993.

Ext. W5—Photo copy of letter dated 30-7-93.

Ext. W6—Photo copy of Judgement in O.P. No. 8165/93—U of Honourable High Court of Kerala.

Ext. W7—Photo copy of Judgement in O.P. No. 4957/94. M. of Honourable High Court of Kerala.

Ext. W8—Copy of complaint by P.B. Aboo to the Assistant Labour Commissioner (C) Ernakulam.

Ext. W9—Pass issued to the workman.

Ext. W10—(series)—Gate pass issued to the workman in different period.

Ext. W11—(series)—Gate pass issued to the workman in different period.

Ext. W12—File Received from the Regional Joint Labour Commissioner, Ernakulam.

नई दिल्ली, 4 जून, 2004

का.आ. 1468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० हिन्दुस्तान जिंक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई० डी० संख्या 64/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-2004 को प्राप्त हुआ था।

[सं. एल.-42025/1/2004-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 4th June, 2004

S.O. 1468.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government here by publishes the Award (Ref. No. ID No-64/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industiral dispute between the employers in relation to the management of M/s Hindustan Zinc Limited, and their workmen, which was received by the Central Government on 4-6-2004.

[No. L-42025/1/2004-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 15th day of March, 2004

INDUSTRIAL DISPUTE L.C.I. D. NO. 64/2002

(Old ID No. 50/2001 Transferred from Industrial Tribunal cum Labour Court, Visakhapatnam)

Between :

Shri M. Sadhu Rao, : Petitioner
H. No. 2-13-6, Mindi Village,
Gajuwaka Mandalam,
Visakhapatnam-530012.

AND

The General Manager,
M/s Hindustan Zinc Limited,
(A Government of India Enterprise)
Zinc Lead Smelter, P.O.,
Visakhapatnam-530015. ...Respondent

Appearances :

For the Petitioner : Sri S. Ramachandra Rao, Advocate.

For the Respondent : Sri D. V. Subba Rao, Advocate.

AWARD

This is a case taken under Sec. 2A (2) of the ID Act, 1947 by the Industrial Tribunal cum Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. [illegible] of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing ID No. 50/2001 and renumbered in this Court as LCID No. 64/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the petition are : That the Petitioner joined the services of the management in 1982. That he has worked without any blemish from the time of his joining in 1982. That on 23-6-99 a charge sheet was issued to him by the Management falsely alleging the misappropriation of electrodes belonging to the Company. Not only his explanation was rejected without any justifiable ground and without any justifiable reason an enquiry was conducted. A charge sheet was issued with a [illegible] the Company by [illegible] in the departmental enquiry. The management [illegible]

into consideration the fact that the evidence adduced by the Departmental enquiry was tainted and influenced by the vested interests in the management. The evidence adduced at the Departmental enquiry is sufficient to prove the misconduct alleged against the workman. Findings of the Enquiry Officer are baseless and vitiated due to the above circumstances. That the evidence was circumstantial in nature and it does not include the possibility of any other committing the alleged misappropriation of electrodes. The evidence on record in the Departmental enquiry does not point to the alleged misconduct of this workman. The workman submits that the Management has suppressed essential oral and documentary evidence in the Departmental enquiry. The selective evidence adduced by the management in the domestic enquiry is interested and partisan. He did not apply his mind and gave findings. The enquiry was neither fair nor impartial. Therefore, the order dated 31-3-2001 issued by the management discharging the workman from the services of the company is illegal, invalid, arbitrary, inoperative, besides being baseless and opposed to the principal of natural justice. The punishing authority did not apply his mind either to the facts or circumstances of the case. That the order dated 27-6-2001 stating that the Appellate Authority has rejected the appeal and upheld the punishment awarded is also not correct. That he was drawing a wage of Rs. 10,000. Hence he may be directed to be reinstated with continuity of service, full back wages and all attendant benefits.

3. A counter was filed stating that the workman joined the company on 16-1-84 as mazdoor on compassionate grounds. Subsequently he was promoted and at the time of discharge he was working as a senior helper. The Vigilance Officer of the Company has conducted investigation into the matter of misappropriation of electrodes belonging to the Company and submitted a report to the Management in which the workman indicated among others. Therefore, a charge sheet was issued to the workman alongwith two other workman for misappropriation of 410 kgs of electrodes in 'A' group section of Stores Department valuing Rs. 3,61,940.66 based on the said report of the Vigilence Officer, a criminal case No. 232/99 was also lodged in this regard before the Hon'ble Court of VIII Metropolitan Magistrate, Gajuwaka and the same is pending. It is false to allege that the Management had predetermined mind. That the enquiry was conducted following all principles of natural justice. The evidence adduced in the departmental enquiry is adequate enough but proved the charges framed against the petitioner. In this case the evidence adduced orally and documentary by both the parties fully support the charges framed against the workman. The allegations in para 2(g) of the petition are baseless and unsustainable and as such they are denied. The Management has given the list of witness on behalf of Management and the copies of documents on which the Management relied to the workman before hand. The workman has fully participated in the enquiry and cross examined the witness. Hence, he was discharged on 31-3-2001 and his appeal was also dismissed on 27-6-2001. It was communicated by the Senior manager that the Appellate Authority has dismissed his appeal. Hence, he is not entitled for any relief.

4. The Petitioner's Counsel connected in open Court that the enquiry is validly conducted and arguments were heard under Sec. 11A. It is argued by the Learned Counsel for the petitioner that there is an alleged Vigilance report which was filed. The report says that on 25-2-99 Sri KCV Subba Rao, informed to Dy. General manager that electrodes worth Rs. 2,84,000 are missing from Central Stores. Again on 29-5-99 Sri Subba Rao informed to Dy. General Manager that electrodes worth Rs. 3,61,940.66 ps. Were stolen under mysterious circumstances. He stated that the electrodes were purchased, brought then kept in 'A' group after fulfilling necessary formalities. He came to know that the electrodes are missing from 'A' group. The 'A' group gate lock was missing. The three boxes in which the electrodes were kept was also missing. The latch hook of one box was removed and the latches of two boxes were removed and same were found lying near the boxes. That missing of locks is a created scenes with an idea to divert the attention of the investigative agency. Since the locks of type of 'A' group is know to the people of 'A' group involvement of people of 'A' group cannot be ignored. Several persons were examined. One of them is the Petitioner, Sadhu Rao. That Sri Dandapani, Senior Material issuer of 'A' group in his statement dated 31-5-99 informed that on 28-5-99 the electrodes which came in Kgs. were segreted and were kept in 3rd GI box. It was informed that during the segregation of the electrodes Sadhu Rao, the Petitioner herein and Sri Eeswara Rao, contract labour were present. That the segregation was carried out on 28-5-99. He also confirmed that S/Sri Chinna Rao, Sadhu Rao, Eeswara Rao, carried out the segregation . That the Petitioner also in his statement informed that he himself, Chinna Rao and Eesward Rao segregated the electrodes on 29-5-99 and all Amol brand electrodes in 3rd GI box. He further stated that the electrodes were segregated around 2 PM. That Chinna Rao an application in which he informed that he gave a wrong date and actually they were segregated so on 25th or 26th May, 1999 and not on 28-5-99. He said that Dandapani told him to tell that the segregation was done on 28-5-99. That till 27-5-99 full quantity was available and on 27-5-99 some quantity was issued to the central workshop. Sri Dandapani deposed that the segregation was on 25th or 26th May, 1999. That Chinna Rao, Sadhu Rao, Petitioner herein and Eeswar Rao, contract labour carried out the segregation. Sadhu Rao in the second round statement stated that the segregation was done on 25-5-99. That the statement of Naidu proves that he never gave a box on 22-7-99. Hence, it shows that Sadhu Rao

gave statement with an ulterior motive. Since the electrodes were issued on 27-5-99, it established that on 27-5-99 electrodes were available in No. 3 GI box. Therefore, it is clear that the segregation was made on 27-5-99 and not on 28-5-99. On 29-5-99 it is reported that they were missing. There was no issue of electrodes on 28-5-99. Hence, it is proved that missing of electrodes was taken place only after the issue was made on 27-5-99. Since the missing of electrodes reported on 29-5-99 it established that the loss taken place either on 27-5-99 after the issue was made or on 28-5-99. So he came to the conclusion that there are three probabilities. The first probability is the electrodes after being shifted from Central Stores were kept inside the plant area and were shifted outside in convenient time. The second probability is the electrodes were loaded in any of the above mentioned 4 vehicles and were taken out of plant. The third probablity is the electrodes were taken out of the central store shed first during day time and were hided inside the central store premises and in convenient time the electrodes were shifted. The third probability is ruled out because during daytime it any one shifts the electrodes (410 kgs) and hide it will come to notice of number of people. Second thing on 29-5-99 when the fact came to the light CISF conducted combing operation and they could not detect any material. Out of the 4 vehcles which went outside of CISF vehicle gate on 27/28-5-99, vehicle No. ATR-378 had come to 'A' group i.e., the group from which electrodes are missing and then he concludes that the electrodes are shifted with the active connivance of the Petitioner, Dandapani and Chinna Rao. That it also came to light that in 1994 some electrodes were found missing during the time Chinna rao and the Petitioner were in 'A' group. He also came to the conclusion that since the Vigilance Officer has no power to call for the driver of vehicle ATR-378. The matter may be handed over to the police. So he submits that the Vigilance Officer himself is not sure. First he gave three possibilities and four vehicles and suddenly concluded that the material was dispatched in one vehicle only and that he is not the authority to call for the driver of that vehicle and the matter may be referred to the police The Enquiry Officer merely relies on the fact that the Petitioner has given wrong date of segregation that he has admitted in his defence reports that he gave wrong information of state of confusion. Which clearly shows the malafide intention of Sri Sadhu rao and also he relies on the fact that Sri. T.V. Kishore and Sri Sadhu rao moved behind the Central Stores area and that the charegsheeted employee, the Petitioner did not asked any question on this aspect and hence, he concluded that the Petitioner is guilty. It may be seen that there is only doubt against him and it is not conclusively proved that the Petitioner is involved in the misappropriation and it is a well established fact that one cannot be found guilty only if there is some doubt unless it is proved that he has been really involved in the case. Further while presenting the case it has been clearly admitted that around 240 kgs of electrodes were recovered in the unused rain water drain inside store premises. Which clearly goes to show that actual facts are being suppressed. On that the Petitioner is being made a scape goat. He therefore prays that the Petitioner may be reinstated with back wages and all attendant benefits.

5. It is argued by the Learned Counsel for the Respondent that actually when W1 was has examined running into several pages in the chief examination in the enquiry, when the Management representative present, he was asked a very few questions and he does not know the Petitioner. The second witness Sri. P. Srinivasa rao, was also examined, which he deposed that the group Incharge will be preserving their group keys with him. He was asked only few questions. Similarly PW2 has also deposed the same and PW4 Sri G.V. Prasad was allowed to examine who deposed that it was Sadhu rao who has closed the stores. The charegesheeted employee did not examine any witness or documents and only submitted his defence representative which is of no use to him. Hence, the petition may be dismissed.

6. It may be noted that the police has chosen not to file charge-sheet against Sadhu Rao the Petitioner herein and another Peerubabu and although complaint was given against these above two employees and also against Dandapani and Chinna Rao. I have gone through the enquiry report and in the enquiry report main reason why the Petitioner herein is held guilty is the contradictory statements given by him. That the Petitioner first gave a statement that segregation of electrodes was done on 28-5-99 and subsequently confirmed that the segregation of electrodes was not done on 28-5-99. He also relied on the evidence of Chinna rao one of the witnesses of the enquiry proceedings, he said that he gave two different statements at the instance of the Petitioner herein and also the statement of Sri Eeshwar Rao who deposed to his first question that the segegation of electrodes took place on 25-5-99. It may be seen that the same witness states that at the time of segregation G. Chinna Rao and M. Sadhu Rao were present. Segregation took place on 25th or 26th may, 1999. He is not very much sure as to the date on which the segregations took place and another contention of the Enquiry Officer because all the four gave contradictory statements, the guilt of Sadhu rao is also proved. More so, some quantities of electrodes were recovered. I may add that the police was correct in not charge sheeting the petitioner. These statements of the witnesses may not stand the scrutiny of a criminal trial court. But sufficient suspicion was thrown on the Petitioner and more so after the recovery of some of electrodes. Once the employee loose confidence it is not desirable that the Petitioner be given any relief of reinstatment nor he is completely absolved from the charges. there is sufficient suspicion against him. Hence, even treating as retired is also not proper. But even the Police have not found sufficient evidence against him and there is no sufficient evidence

except the contradictory statement made to hold him completely guilty. Hence, I am of the opinion that as the Petitioner has put in 17 years of service and has had 12 years of service left. hence, as the conclusions reached by the Enquiry Officer that he is guilty cannot be fully sustained. It can only be said that there is a web of suspicion against him. Hence in such cases it is desirable to award him some compensation. Hence, without interfering with the order of the discharge passed against the Petitioner he shall be only entitled to 10 months full gross pay multiplied by his last drawn pay which will meet the ends of justice.

Award passed accordingly.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 15th day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner.	Witnesses examined For the respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 जून, 2004

का.आ.1469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. हिन्दुस्तान जिंक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई डी संख्या 65/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-2004 को प्राप्त हुआ था।

[सं. एल.-42025/2/2004-आई०आर० (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 4th June, 2004

S.O. 1469.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID No. 65/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industiral dispute between the employers in relation to the management of M/s Hindustan Zinc Limited and their workman, which was received by the Central Government on 4-6-2004.

[No. L-42025/2/2004–IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 22nd day of March, 2004

INDUSTRIAL DISPUTE L.C.I.D. NO. 65/2002

(Old I.D. No. 51/2001 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

Between :

Shri B. Peeru Babu,
S/o B. Guruvulu,
H. No. 58-10-26, Near Karasa,
N.A.D. Post ....Petitioner
Visakhapatnam-530009.

AND

The General Manager,
M/s Hindustan Zinc Limited,
(A Government of India Enterprise)
Zinc Lead Smelter, P.O.,
Visakhapatnam-530015. ....Respondent

Appearances :

For the Petitioner : M/s. S. Ramchandra Rao & P. Srinivasa Rao, Advocate.

For the respondent : M/s. D. V. Subba Rao, & D. V. S. S. Somayajulu, Advocate.

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 51/2001 and renumbered in this Court as L.C.I.D. No. 65/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the petition are : That the Petitioner joined the services of the Management in 1982. That he has worked without any blemish from the time of his joining in 1982. That on 23-6-99 a charge sheet was issued to him by the Management falsely alleging the misappropriation of electrodes belonging to the Company. Not only his explanation was rejected without any justifiable ground and without any justifiable reason an enquiry was conducted. A charge-sheet was issued with a predetermined mind to discharge him from the services of the Company by adducing interested and partisan evidence in the departmental enquiry. The Management failed to take into consideration the fact that the evidence adduced by the Departmental enquiry was tainted and influenced by the vested interests in the management. The evidence

adduced at the Departmental enquiry is sufficient to prove the misconduct alleged against the workman. Findings of the Enquiry Officer are baseless and vitiated due to the above circumstances. That the evidence was circumstantial in nature and it does not include the possibility of any other committing the alleged misappropriation of electrodes. The evidence on record in the Departmental enquiry does not point to the alleged misconduct of this workman. The workman submits that the Management has suppressed essential oral and documentary evidence in the Departmental enquiry. The selective evidence adduced by the management in the domestic enquiry is interested and partisan. He did not apply his mind and gave findings. The enquiry was neither fair nor impartial. Therefore, the order dated 31-3-2001 issued by the management discharging the workman from the services of the company is illegal, invalid, arbitrary, inoperative, besides being baseless and opposed to the principles of natural justice. The punishing authority did not apply his mind either to the facts or circumstances of the case. That the order dated 27-6-2001 stating that the Appellate Authority has rejected the appeal and upheld the punishment awarded is also not correct. That he was drawing a wage of Rs. 11,000. Hence he may be directed to be reinstated with continuity of service, full back wages and all attendant benefits.

3. A counter was filed stating that the workman joined the company on 16-1-84 as mazdoor on compassionate grounds. Subsequently he was promoted and at the time of discharge he was working as senior helper. The Vigilence Officer of the Company has conducted investigation into the matter of misappropriation of electrodes belonging to the Company and submitted a report to the Management in which the workman indicated among others. Therefore, a charge sheet was issued to the workman alongwith two other workman for misappropriation of 410 kgs of electrodes in 'A' group section of Stores Department valuing Rs. 3,61,940.66 based on the said report of the Vigilence Officer, a criminal case No. 232/99 was also lodged in this regard before the Hon'ble Court of VIII Metropolitan magistrate, Gajuwaka and the same is pending. It is false to allege that the Management had predeterminly mind. That the enquiry was conducted following all principles of natural justice. The evidence adduced in the departmental enquiry is adequate enough but proved the charges framed against the petitioner. In this case the evidence adduced orally and documentary by both the parties fully support the charges framed against the workman. The allegations in para 2(g) of the petition are baseless and unsustainable and as such they are denied. The Management has given the list of witness on behalf of Management and the copies of documents on which the Management relied to the workman before hand. The workman has fully participated in the enquiry and cross-examined the witnesses. Hence, he was discharged on 31-3-2001 and his appeal was also dismissed on 27-6-2001. It was communicated by the Senior Manager that the Appellate Authority has dismissed his appeal. hence, he is not entitled for any relief.

4. The Petitioner's Counsel connced in open Court that the enquiry is validly conducted and arguments were heard under Sec. 11A. It is argued by the Learned Counsel for the petitioner that there is an alleged Vigilence report which was filed. The report says that on 25-2-99 Sri K. C. V. Subba Rao, informed to Dy. General Manager that electrodes worth Rs. 2,84,000 are missing from central stores. Again on 29-5-99 Sri Subba Rao informed to Dy. General Manager that electrodes worth Rs. 3,61,940.66 ps. were stolen under mysterious circumstances. He stated that the electrodes were purchased, brought then kept in 'A' group after fulfilling necessary formalities. He came to know that the electrodes are missing from 'A' group. The 'A' group gate lock was missing. The three boxes in which the electrodes were kept was also missing. The latch hook of one box was removed and the latches of two boxes were removed and same were found lying near the boxes. That missing off locks is a created scenes with an idea to divert the attention of the investigative agency. Since the locks of type of 'A' group is know to the people of 'A' group involvement of people of 'A' group cannot be ignored. Several persons were examined. One of them is the Petitioner, Sadhu Rao. That Sri Dandapani, Senior Material issuer of 'A' group in his statement dated 31-5-99 informed that on 28-5-99 the electrodes which came in Kgs. were segregated and were kept in 3rd GI box. It was informed that during the segregation of the electrodes Sadhu Rao, the Petitioner herein and Sri Eeswara Rao, contract labour were present. That the segregation was carried out on 28-5-99. He also confirmed that S/Sri Chinna Rao, Sadhu Rao, Eeswara Rao, carried out the segregation. That the Petitioner also in his statement informed that he himself, Chinna Rao and Eeswara Rao segregated the electrodes on 29-5-99 and all Amol brand electrodes in 3rd GI box. He further stated that the electrodes were segregated around 2 PM. That Chinna Rao an application in which he informed that he gave a wrong date and actually they were segregated so on 25th or 26th May, 1999 and not on 28-5-99. He said that Dandapani told him to tell that the segregation was done on 28-5-99. That till 27-5-99 full quantity was available and on 27-5-99 some quantity was issued to the central workshop. Sri Dandapani deposed that the segregation was on 25th or 26th May, 1999. That Chinna Rao, Sadhu Rao, Petitioner herein and Eeswara Rao, contract labour carried out the segregation. Sadhu Rao in the second round statement stated that the segregation was done on 25-5-99. That the statement of Naidu proves that he never gave a box on 22-7-99. Hence, it shows that Sadhu Rao gave statement with an ulterior motive. Since the electrodes were issued on 27-5-99, it established that on 27-5-99 electrodes were available in No. 3 GI box. Therefore, it is clear that the segregation was made on 27-5-99 and not

on 28-5-99. On 29-5-99 it is reported that they were missing. There was no issue of electrodes on 28-5-99. Hence, it is proved that missing of electrodes was taken place only after the issue was made on 27-5-99. Since the missing of electrodes reported on 29-5-99 it established that the loss taken place either on 27-5-99 after the issue was made or on 28-5-99. So he came to the conclusion that there are three probabilities. The first probability is the electrodes after being shifted from central stores were kept inside the plant area and were shifted outside in convenient time. the second probability is the electrodes were loaded in any of the above mentioned 4 vehicles and were taken out of plant. The third probability is the electrodes were taken out of the central store shed first during day time and were hided in side the central store premises and in convinient time the electrodes were shifted. The third probability is ruled out because during day time if any one shifts the electrodes (410 kgs.) and hide it will come to notice of number of people. Second thing on 29-5-99 when the fact came to the light CISF conducted combing operation and they could not detect any material. Out of the 4 vehicles which went outside of CISF vehicle gate on 27/28-5-99, vehicle No. ATR-378 had come to 'A' group i.e. the group from which electrodes are missing and then he concludes that the electrodes are shifted with the active connivance of the Sadhu Rao Dandapani and Chinna Rao. he also came to the conclusion that since the Vigilence Officer has no power to call for the driver of vehicle ATR-378. The matter may be handed over to the police. So he submits that the Vigilence Officer himself is not sure. First he gave three possibilities and four vehicles and suddenly concluded that the material was dispatched in one vehicle only and that he is not the authority to call for the driver of that vehicle and the matter may be referred to the police. The Enquiry Officer merely relies on the fact that the Petitioner has given wrong date of segregation that he has admitted in his defence reports that he gave wrong information of state of confusion. Which clearly shows the malafide intention of Sri Sadhu Rao and also he relies on the fact that Sri T.V. Kishore and Sri Sadhu Rao moved behined the Central Stores area and that the chargesheeted employee, the Petitioner did not asked any question on this aspect and hence, he concluded that the petitioner is guilty. it may be seen that there is only doubt against him and it is not conclusively proved that the Petitioner is involved in the misappropriation and it is a well established fact that one cannot be found guilty only if there is some doubt unless it is proved that he has been really involved in the case. Further while presenting the case it has been clearly admitted that around 240 kgs. of electrodes were recovered in the unused rain water drain inside store premises. Which clearly goes to show that actual facts are being suppressed. On that the Petitioner is being made a scape goat. he therfore prays that the Petitioner may be reinstated with back wages and all attendant benefits.

5. It is argued by the Learned Counsel for the Respondent that M/s. Hindustan Electric House and M/s Maruthi Marketing were supplying electrodes to Hindustan Zinc Limited and received by all central stores. Subsequently the material was shifted to 'A' group issues section. Sri G. Chinna Rao of 'A' Group acknowledged the same material on 28-5-99. 410 kgs. of electrodes were found missing. The matter was referred to the Police and Police came and they informed that there is no intruder can enter through entry point through which anyone can enter into the central store shed after office hours. hence, it is a case of misappropriation and not a case of theft. The central stores gate used to be locked after office hours and the hading door near to the receipt section used to be sealed. On 29-5-99 the condition of the store was intact. Hence, it is established that no intruder had entered into the central store shed and lifted the mine. It is not out place to mention here that on 27-5-99 certain quantity of electrodes were issued to the central workshop from the existing law. Above information gives clear reason to believe that the electrodes were intact on 27-5-99. That Peeru Babu revealed that the segregation of the electrodes was made on 28-5-99. Subsequently it was confirmed by Dandapani, Chinna Rao and Eeshwar Rao that the segregation of electrodes was not made on 28-5-99 but it was made on a prior date. The contradictory statement given by Peeru Babu clearly proves his bad intentions. Subsequently Dandapani in his statement given in the enquiry proceedings dated 21-2-2000 has stated that the he was deputed for outside duty form 21-5-99 to 10-8-2000. In the subsequent evidence he has also stated some time only he used to come to the A-group for signing attendance and to check up stock position at complaints to telephone. Hence, it is important to note that Peeru Babu used to be available in the A-group during the mentloned period. For causing misappropriation the individual's presence is not always necessary. It is pertinent to note that the CSE in his section rounds statement recorded on 2-6-99 as stated that on 27-5-99 he was present in the A-group when electrodes were being issued. Hence, it is clear that he was available in the section. Further Sri G. Chinna Rao in his statement clearly informed that he gave wrong date as Dandapani insisted him to give the wrong statement. Dandapani also confirmed that he has insisted Chinna Rao to give wrong statement. As the above facts clearly levelled that Dandapani intentionally hid the fact just to escape from the charge of misappropriation. Lastly but not leastly Shri B. Peeru Babu in his statement has stated that when he reached the central store on 29-5-99 he has seen Sadhu Rao and Dandapani standing under the Mango Tree adjacent to the central store shed. It is contrary to the statement of Dandapani. Moreover as some quantity of electrodes recovered from waste water drain it clearly confirms that it is an act of misappropriation but not a case of theft. Hence, the Hon'ble Tribunal may not invoke Sec. 11A to come to the rescue of the Petitioner as he does not deserve any sympathy.

6. It may be noted that the police has chosen not to file charge sheet against Peeru Babu the Petitioner herein and another Dandapani and although complaint was given against these above two employees and Sadhu Rao and Chinna Rao. I have gone through the enquiry report and in the enquiry report main reason why the Petitioner herein is held guilty is the contradictory statements given by him. That the Petitioner first gave a statement that segregation of electrodes was done on 28-5-99 and subsequently confirmed that the segregation of electrodes was not done on 28-5-99 as he was in a state of confusion. He also relied on the evidence of Chinna Rao one of the witnesses of the enquiry proceedings, he said that he gave two different statements at the instance of the Petitioner herein and also the statement of another witness Sri Eshwar Rao who deposed to his first question that the segregation of electrodes took place on 25-5-99. It may be seen that the same witness states that at the time of segregation G. Chinna Rao and M. Sadhu Rao were present. He does not speak about the presence of Peeru Babu. Segregation took place on 25th or 26th May, 1999. He is not very much sure as to the date on which the segregation took place and another contention of the Enquiry Officer because all the four gave contradictory statements, the guilt of Peeru Babu is also proved. More So, some quantities of electrodes were recovered. I may add that the police was correct in not charge sheeting the Petitioner. These statements of the witnesses may not stand the scrutiny of a criminal trial court. But sufficient suspicion was thrown on the Petitioner and more so after the recovery of some of electrodes. Once the employee loose confidence it is not desirable that the Petitioner be given any relief of reinstatement nor he is completely absolved from the charges. There is sufficient suspicion against him. Hence even treating as retired is also not proper. But even the Police have not found sufficient evidence against him and there is no sufficient evidence except the contradictory statement made to hold him completely guilty. Hence, I am of the opinion that as the Petitioner has put in 17 years of service and has had 17 years of service left. Hence, as the conclusions reached by the Enquiry Officer that he is guilty cannot be fully sustained. It can only be said that there is a web of suspicion against him. Hence, in such cases it is desirable to award him some compensation. Hence, without interfering with the order of the discharge passed against the Petitioner he shall be only entitled to 10 months full gross pay multiplied by his last drawn pay which will meet the ends of justice.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner.	Witnesses examined for the respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 जून, 2004

का.आ.1470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ मालाबार ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोझी कोडे के पंचाट [संदर्भ संख्या आई डी (सी) 3/99] को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-2004 को प्राप्त हुआ था।

[सं. एल.-12012/173/98-आई.आर. (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd June, 2004

S.O. 1470.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [ID(C) 3/99] of the Labour Court Kozhikode now as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of North Malabar Gramin Bank and their workman, which was received by the Central Government on 3-6-2004.

[No. L-12012/173/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHIKODE, KERALA STATE

Dated this the 30th day of March, 2004

PRESENT:

SHRI K. BALASUBRAMANIAN, B.Com., LL.B.,
Presiding Officer

I.D. (C) 3/99

Between:

The Chairman,
Head Officer,
North Malabar Gramin Bank,
P.B. No. 59, Bank Road,
Kannur-670001

.....Management

AND

North Malabar Gramin Bank Employees Union,
The General Secretary,
N.M.G.B. Employees Union,
C/o. North Malabar Gramin Bank,
Payangadi Branch, P.O. Payangadi, R.S.
Payangadi-670358

....Union

Representations :—
Sri M. Asokan, Advocate, Calicut. For Management
Sri E.K. Santhosh Kumar, Advocate, Calicut. For Union

AWARD

By Order No. L-12012/173/98/IR (B-I) dated 12-3-1999 the Government of Kerala has referred the following issues for adjudication and passing award :

"Whether the action of the management in imposing the stoppage of one increment with cumulative effect against Sri M.R. Gangadharan for the alleged charges is justified ? If not, what relief the workman is entitled to ?

2. The management in North Malabar Gramin Bank, a scheduled bank sponsored by Syndicate Bank. The worker was an employee of the Bank working in the clecrical cadre. He was selected as a participant for the refresher course arranged by the management. In the course of training the worker absented on 8-5-1991. According to the management the worker absented without taking permission from the concerned authorities and clandestinely marked his presence in the attendance register subsequently and thus committed misconduct. The explanation of the worker in this regard was called for and the management was not satisfied with the explanation. So a charge sheet was filed against the worker alleging that his conduct amounts to violation of Regulations 17 and 19 of the staff service regulations, 1990. Followed a domestic enquiry was conducted through a Senior Manager of the Bank. Enquiry Officer after taking evidence found the delinquent-worker guilty of the charges. Accepting the findings the impugened punishment was imposed. The worker raised the dispute which was eventually referred to this court for adjudication and passing award.

3. In pursuance of the notice issued from this court both parties appeared and filled their respective statements. The worker was represented by the union. Union attacked the propriety and fairness of the enquiry on several grounds. The disproportionality of the punishment was also highlighted by the union. After a preliminary enquiry this court upheld the propriety of the enquiry and that found the conclusions are supported by legal evidence. Thereafter both sides were heard on the justifiability of the punishment.

4. The points for consideration are :

(1) Whether the impugned punishment was just and proper ?

(2) Reliefs ?

5. **Points**—Bank is an institution of trust and confidence. The worker was clerk in the Bank. The dishnoest conduct of the workman in this case is not liable to be viewed lightly. There are no materials to suggest that the impugned action is tainted with malafies or was imposed on account of any victimisation. On the other hand the facts and circumstances of the case would amply justify the punishment imposed. Punishment also comensurates with the gravity of the offence and is fully justified and so no interferes is called for.

6. In the result, an award is passed holding that the enquiry is proper and justified and the punishment is proportionate with the gravity of the charges.

Passed by me on the 30th day of March, 2004.

SHRI K. BALASUBRAMANIAN,
Presiding Officer

नई दिल्ली, 11 जून, 2004

का.आ.1471.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खंड (VI) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 3531 दिनांक 16-12-2003 द्वारा लोह, अयस्क, खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 16 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-12-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खंड (VI) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-6-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/13/97-आई.आर. (पी.एल.)]

जे.पी. पति, संयुक्त सचिव

New Delhi, the 11th June, 2004

S.O. 1471.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of Sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour No.S.O. 3531 dated 16-12-2003 the service in the Iron Ore Mining Industry which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 18th December, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to Sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 18th June, 2004.

[F. No. S-11017/13/97-IR (PL)]

J. P. PATI, Jt. Secy.

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